

**T**his section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

**T**he agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety (90)-day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 5—Wildlife Code: Permits**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-5.550 Nonresident Firearms Deer Hunting Permit is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2001 (26 MoReg 1891-1892). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** Two comments were received from the public through telephone contact and e-mail.

**COMMENT:** Todd Gillison, Washington, MO and John Hake, Pittsboro, IN stated that nonresident hunting fees were too high and that it would prohibit them and others from hunting in Missouri.

**RESPONSE:** Comments were shared with the Missouri Conservation Commission for consideration. The rule was changed in the proposed amendment to reflect fees that will bring parity to nonresident hunting fees in other states. The

Conservation Commission believes the fee structure to be equitable, therefore no revision to the published fee structure will be made.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 5—Wildlife Code: Permits**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-5.551 Nonresident Firearms Any-Deer Hunting Permit is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2001 (26 MoReg 1893-1894). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** Two comments were received from the public through telephone contact and e-mail.

**COMMENT:** Todd Gillison, Washington, MO and John Hake, Pittsboro, IN stated that nonresident hunting fees were too high and that it would prohibit them and others from hunting in Missouri.

**RESPONSE:** Comments were shared with the Missouri Conservation Commission for consideration. The rule was changed in the proposed amendment to reflect fees that will bring parity to nonresident hunting fees in other states. The Conservation Commission believes the fee structure to be equitable, therefore no revision to the published fee structure will be made.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 5—Wildlife Code: Permits**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-5.559 Nonresident Managed Deer Hunting Permit is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2001 (26 MoReg 1895-1896). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** Two comments were received from the public through telephone contact and e-mail.

**COMMENT:** Todd Gillison, Washington, MO and John Hake, Pittsboro, IN stated that nonresident hunting fees were too high

and that it would prohibit them and others from hunting in Missouri.

RESPONSE: Comments were shared with the Missouri Conservation Commission for consideration. The rule was changed in the proposed amendment to reflect fees that will bring parity to nonresident hunting fees in other states. The Conservation Commission believes the fee structure to be equitable, therefore no revision to the published fee structure will be made.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 5—Wildlife Code: Permits**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-5.560 Nonresident Archer's Hunting Permit is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2001 (26 MoReg 1897-1898). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Two comments were received from the public through telephone contact and e-mail.

COMMENT: Todd Gillison, Washington, MO and John Hake, Pittsboro, IN stated that nonresident hunting fees were too high and that it would prohibit them and others from hunting in Missouri.

RESPONSE: Comments were shared with the Missouri Conservation Commission for consideration. The rule was changed in the proposed amendment to reflect fees that will bring parity to nonresident hunting fees in other states. The Conservation Commission believes the fee structure to be equitable, therefore no revision to the published fee structure will be made.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 5—Wildlife Code: Permits**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-5.565 Nonresident Turkey Hunting Permits is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2001 (26 MoReg 1899-1900). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Two comments were received from the public through telephone contact and e-mail.

COMMENT: Todd Gillison, Washington, MO and John Hake, Pittsboro, IN stated that nonresident hunting fees were too high and that it would prohibit them and others from hunting in Missouri.

RESPONSE: Comments were shared with the Missouri Conservation Commission for consideration. The rule was changed in the proposed amendment to reflect fees that will bring parity to nonresident hunting fees in other states. The Conservation Commission believes the fee structure to be equitable, therefore no revision to the published fee structure will be made.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 6—Wildlife Code: Sport Fishing: Seasons,  
Methods, Limits**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-6.405 General Provisions is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2001 (26 MoReg 2075). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received during the comment period.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 7—Wildlife Code: Hunting: Seasons,  
Methods, Limits**

**ORDER OF RULEMAKING**

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

**3 CSR 10-7.455 is amended.**

This amendment relates to hunting seasons and limits and is excepted by section 536.021, RSMo from the requirement for filing as a proposed amendment.

**3 CSR 10-7.455 Turkeys: Seasons, Methods, Limits**

*PURPOSE: This amendment adjusts the methods by which turkeys are tagged for transportation.*

(2) Turkeys may be possessed or transported only by the taker thereof and only when tagged immediately with the transportation portion of the permit. Detachment of the transportation portion of the permit prior to taking a turkey renders the permit void. During the spring and fall firearms seasons, the taker shall submit these turkeys with head and plumage intact, along with the prescribed hunting permit, for inspection and marking at an established checking station in the county where taken or an adjoining county between the hours of 7:00 a.m. and 3:00 p.m. CDT on the day taken during the spring season and not later than 8:00 p.m. CDT

on the day taken during the fall season. During archery season, the taker shall submit these turkeys with head and plumage intact, along with the prescribed archery permit, for inspection and marking at an established archery checking station within twenty-four (24) hours of the take.

SUMMARY OF PUBLIC COMMENTS: Seasons and limits are excepted from the requirement of filing as a proposed amendment under section 536.021, RSMo.

This amendment filed December 19, 2001, effective **January 1, 2002**.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 165—Board of Examiners for Hearing  
Instrument Specialists  
Chapter 1—General Rules**

**ORDER OF RULEMAKING**

By the authority vested in the Board of Examiners for Hearing Instrument Specialists under section 346.115.1(7) and (8), RSMo, the board amends a rule as follows:

**4 CSR 165-1.020 Fees is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 4, 2001 (26 MoReg 1656). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The board received one (1) comment in support of the proposed amendment.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 165—Board of Examiners for Hearing  
Instrument Specialists  
Chapter 2—Licensure Requirements**

**ORDER OF RULEMAKING**

By the authority vested in the Board of Examiners for Hearing Instrument Specialists under section 346.115.1(7), RSMo 2000, the board amends a rule as follows:

**4 CSR 165-2.050 Continuing Education Requirements  
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 4, 2001 (26 MoReg 1656–1657). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The board received one (1) comment in support of the proposed amendment.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 165—Board of Examiners for Hearing  
Instrument Specialists  
Chapter 2—Licensure Requirements**

**ORDER OF RULEMAKING**

By the authority vested in the Board of Examiners for Hearing Instrument Specialists under section 346.115.1(7), RSMo 2000, the board amends a rule as follows:

**4 CSR 165-2.060 License Renewal is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 4, 2001 (26 MoReg 1657–1658). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The board received comments from the Missouri Hearing Society.

COMMENT: The board of directors and membership of the Missouri Hearing Society have a long-standing record in support of strong continuing education requirements for license renewal of hearing instrument specialists. The Missouri Hearing Society is in support of increasing the number of required hours of continuing education from 12-15 per year.

RESPONSE: The board previously submitted a proposed amendment to increase the number of continuing education hours to 15, however, the Division of Professional Registration did not recommend this change. The division is conducting a continuing education study to determine if continuing education is a benefit to licensees. Until such study is completed the Division of Professional Registration did not recommend any increases to continuing education hours unless statutorily amended.

COMMENT: The Missouri Hearing Society suggested the board maintain the present requirement that each licensee submit evidence of attendance with their application for renewal since this process worked relatively well. In addition, the Missouri Hearing Society noted that it is unclear under the proposed rule what action might be taken if a license renewal is granted and a subsequent random audit reveals insufficient hours to maintain the license.

RESPONSE: The board has the option each year to audit a percentage of its licensees to determine compliance. At such time the licensee would be required to submit the certificate of attendance for the required reporting period. All renewals are processed by the Division of Professional Registration through a central receiving room. It has been the objective of the division to reduce the amount of paper processed with renewals. According to Section 346.105, RSMo the board would have grounds to discipline said licensee should a random audit reveal insufficient hours.

COMMENT: The Missouri Hearing Society also suggested that each applicant for renewal be required to complete the requisite number of continuing education hours on an annual basis rather than a two (2)-year cycle. This would have the effect of requiring licensees to complete continuing education on an annual basis and thus a better opportunity to keep apprised of changing technologies. It would also not change the reporting process or the random audit process under a two (2)-year license.

RESPONSE: The board took your suggestions under advisement however, it was the decision of the board to not change the proposed amendment.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 10—Utilities**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Public Service Commission under sections 392.280 and 393.240, RSMo 2000, the commission withdraws a proposed rescission as follows:

**4 CSR 240-10.020 Income on Depreciation Fund Investments is withdrawn.**

A notice of proposed rulemaking regarding the proposed rescission was published in the *Missouri Register* on September 4, 2001 (26 MoReg 1659). This proposed rescission is withdrawn.

**SUMMARY OF COMMENTS:** The commission received numerous comments on this proposed rescission. Most of the comments were against rescission of the rule. The comments in opposition to the rescission indicated that the rule was not obsolete, particularly in the case of rate base regulated companies, that rescission would cost private entities more than five hundred dollars (\$500), that how depreciation should be calculated and reflected in the cost of service for gas, electric and water utilities is currently subject to two judicial review proceedings, and that the commission was required to conduct a hearing to address the proposed rescission under section 393.240.1, RSMo, 2000. One commenter from the staff of the commission supported the rescission and one commenter sent a letter in support of the rescission but it was received after the published response time had passed.

**RESPONSE:** As a result of the majority of these comments, the commission is withdrawing this proposed rule rescission.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 35—Reporting of Bypass and Customer  
Specific Arrangements by Telephone Corporations**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Public Service Commission under sections 386.040, 386.250, 386.320 and 392.210, RSMo 2000, the commission rescinds a rule as follows:

**4 CSR 240-35.010 Definitions is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 4, 2001 (26 MoReg 1659). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The commission received four (4) comments on the proposed rescission.

**COMMENT:** One commenter sent a letter to the Commission that opposed any elimination of section (7) of 5 CSR 100-200.070.

**RESPONSE:** This comment was sent to the commission in error because the comment does not refer to the rule that is being rescinded.

**COMMENT:** One commenter sent a letter in support of the rescission but it was received after the published response time had passed.

**RESPONSE:** No response is required because the comment was received after the response deadline had passed.

**COMMENT:** One commenter from Southwestern Bell Telephone and one commenter from the staff of the commission supported the rescission because the rule was no longer applicable.

**RESPONSE:** The commission agrees.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 35—Reporting of Bypass and Customer  
Specific Arrangements by Telephone Corporations**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Public Service Commission under sections 386.040, 386.250, 386.320 and 392.210, RSMo 2000, the commission rescinds a rule as follows:

**4 CSR 240-35.020 General Provisions is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 4, 2001 (26 MoReg 1659-1660). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The commission received four (4) comments on the proposed rescission.

**COMMENT:** One commenter sent a letter to the commission that opposed any elimination of section (7) of 5 CSR 100-200.070.

**RESPONSE:** This comment was sent to the commission in error because the comment does not refer to the rule that is being rescinded.

**COMMENT:** One commenter sent a letter in support of the rescission but it was received after the published response time had passed.

**RESPONSE:** No response is required because the comment was received after the response deadline had passed.

**COMMENT:** One commenter from Southwestern Bell Telephone and one commenter from the staff of the commission supported the rescission because the rule was no longer applicable.

**RESPONSE:** The commission agrees.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 35—Reporting of Bypass and Customer  
Specific Arrangements by Telephone Corporations**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Public Service Commission under sections 386.040, 386.250, 386.320 and 392.210, RSMo 2000, the commission rescinds a rule as follows:

**4 CSR 240-35.030 Reporting of Bypass and Customer Specific Arrangements is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 4, 2001 (26 MoReg 1660). No changes have been made in the proposed

rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The commission received four (4) comments on the proposed rescission.

COMMENT: One commenter sent a letter to the commission that opposed any elimination of section (7) of 5 CSR 100-200.070.

RESPONSE: This comment was sent to the commission in error because the comment does not refer to the rule that is being rescinded.

COMMENT: One commenter sent a letter in support of the rescission but it was received after the published response time had passed.

RESPONSE: No response is required because the comment was received after the response deadline had passed.

COMMENT: One commenter from Southwestern Bell Telephone and one commenter from the staff of the commission supported the rescission because the rule was no longer applicable.

RESPONSE: The commission agrees.

**Title 5—DEPARTMENT OF ELEMENTARY AND  
SECONDARY EDUCATION  
Division 100—Missouri Commission for the Deaf  
Chapter 200—Board for Certification of Interpreters**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Commission for the Deaf under sections 209.287 and 209.292, RSMo 2000, the commission rescinds a rule as follows:

**5 CSR 100-200.010 General Organization is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 4, 2001 (26 MoReg 1660). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Commission for the Deaf received two (2) written comments concerning this rule.

COMMENT: One person wrote "I'm aware of the time and effort spent on the current Proposed Rules and would like to compliment all those who worked so diligently on them. I would like to see ALL of the Proposed Rules accepted."

RESPONSE: Thank you for your support.

COMMENT: One person wrote "First I'd like to say that in general, I strongly support the Proposed Rules published in the *Missouri Register* on September 4, 2001."

RESPONSE: Thank you for your support.

**Title 5—DEPARTMENT OF ELEMENTARY AND  
SECONDARY EDUCATION  
Division 100—Missouri Commission for the Deaf  
Chapter 200—Board for Certification of Interpreters**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Commission for the Deaf under sections 209.287, 209.292 and 209.295(8), RSMo 2000, the commission adopts a rule as follows:

**5 CSR 100-200.010 General Organization is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 4, 2001 (26 MoReg 1660-1661). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Comments were received but the Commission is not revising the proposed rule.

COMMENT: One person wrote "I'm aware of the time and effort spent on the current Proposed Rules and would like to compliment all those who worked so diligently on them. I would like to see ALL of the Proposed Rules accepted."

RESPONSE: Thank you for your support.

COMMENT: One person wrote "First I'd like to say that in general, I strongly support the Proposed Rules published in the *Missouri Register* on September 4, 2001."

RESPONSE: Thank you for your support.

COMMENT: Three identical letters stated "I am opposed to this rule. If the MCD is the agency that acts as a filter for the Governor to recommend individuals for the BCI, than [sic] there can and will be prejudices. The applications of interest for the BCI should be directly submitted to the Governor's office or to the MCD and the Governor should review all applicants before the appointment is made."

RESPONSE: The legislature mandated that the members of the BCI "shall be appointed by the governor with the advice and consent of the senate from a list of recommendations from the commission (209.287(2), RSMo 2000)." Given that statutory law mandates that MCD serve as a screening agency for appointments to the BCI, we cannot abrogate statutory law by administrative rule, for any administrative rule that is contrary to statutory law is null and void. No changes have been made to the rule as a result of this comment.

COMMENT: Three identical letters stated "I am opposed to this rule. The majority of the states in the United States accept RID, NAD certification. Missouri should accept those avenues of certification as well. If revised it should read that RID and NAD certifications would be accepted." Similarly, an additional commenter stated that the law should be changed "to include that Missouri will fully recognize National Registry of Interpreters for the Deaf (RID)) and National Association of the Deaf (NAD) certifications. 'Recognize' meaning: The holder of an RID CI, CT, CI/CT, CSC, or CDI or NAD LEVEL 3, 4, or 5 certification may go directly to the licensing office for a valid license to work. This is different from the current conversion rule where a candidate applies to the MCD to have an NAD or RID certificate 'changed' to be merged into some level of MICS based on a criteria."

RESPONSE: The legislature created the BCI and mandated that it "shall issue the certificates, bearing the signature of the executive director, necessary to qualify for a license to interpret (209.292.1 (2), RSMo 2000)." It further stipulated that the BCI shall, with the approval of the Commission, "develop a conversion system and policy for accepting other certification systems into the certification offered by the Missouri commission for the deaf (209.292.1(9), RSMo 2000)." Furthermore, the law that created the State Committee of Interpreters indicates that each applicant that applies for a license "must submit to the committee verification from the Missouri Commission for the Deaf that the applicant has achieved the appropriate certification to qualify for licensure (209.323(4) RSMo, 2000)." The intent of the legislature was clearly that all applicants for a license to interpret in Missouri

must be certified in the Missouri Interpreter Certification System and be certified by the Missouri Commission for the Deaf. We cannot abrogate the intent of statutory law by passing a contrary administrative rule, for any administrative rule that conflicts with statutory law is null and void. No changes have been made to the rule as a result of this comment.

**Title 5—DEPARTMENT OF ELEMENTARY AND  
SECONDARY EDUCATION**

**Division 100—Missouri Commission for the Deaf  
Chapter 200—Board for Certification of Interpreters**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Commission for the Deaf under sections 209.292(11), 209.295(8), and 209.305, RSMo 2000, the commission rescinds a rule as follows:

**5 CSR 100-200.030 Missouri Interpreter Certification System is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 4, 2001 (26 MoReg 1661). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Commission for the Deaf received two (2) written comments concerning this rule.

COMMENT: One person wrote “I’m aware of the time and effort spent on the current Proposed Rules and would like to compliment all those who worked so diligently on them. I would like to see ALL of the Proposed Rules accepted.”

RESPONSE: Thank you for your support.

COMMENT: One person wrote “First I’d like to say that in general, I strongly support the Proposed Rules published in the *Missouri Register* on September 4, 2001.”

RESPONSE: Thank you for your support.

**Title 5—DEPARTMENT OF ELEMENTARY AND  
SECONDARY EDUCATION**

**Division 100—Missouri Commission for the Deaf  
Chapter 200—Board for Certification of Interpreters**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Commission for the Deaf under sections 209.292.1(2) and (11), 209.295(8), and 209.305, RSMo 2000, the commission adopts a rule as follows:

**5 CSR 100-200.030 is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 4, 2001 (26 MoReg 1661-1662). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Comments were received and the Commission is revising the proposed rule.

COMMENT: One person wrote “I’m aware of the time and effort spent on the current Proposed Rules and would like to compliment

all those who worked so diligently on them. I would like to see ALL of the Proposed Rules accepted.”

RESPONSE: Thank you for your support.

COMMENT: One person wrote “First I’d like to say that in general, I strongly support the Proposed Rules published in the *Missouri Register* on September 4, 2001.”

RESPONSE: Thank you for your support.

COMMENT: One comment indicated that “The State Committee of Interpreters is in support of this proposed rule change. Nonrenewable certifications which are valid for three (3) years from the date of issue are appropriate for the Apprentice and Novice levels. Three (3) years is a sufficient length of time to attain the training and experience required to obtain a higher level of certification. However, due to the limited scope of work available at these levels of certification which leads to limited practical experience, continued skill development cannot be guaranteed through additional training and participation in a certification maintenance program. Consequently, interpreters with Apprentice and Novice certifications should be re-tested in order to verify skill levels and obtain valid certification.

RESPONSE: Thank you for your support.

COMMENT: Three identical letters stated “I am opposed to this rule. The majority of the states accept RID and NAD certification. Missouri should accept those avenues of certification.” Another commenter stated “Remove: ‘(1) Any individual who practices interpreting in the state of Missouri ... must be certified in the Missouri Interpreter Certification System (MICS).’ Add: Certified by a National Certifying organization, National Registry of Interpreters for the Deaf, R.I.D.” And another commenter stated that the law should be changed “to include that Missouri will fully Recognize National Registry of Interpreters for the Deaf (RID)) and National Association of the Deaf (NAD) certifications. ‘Recognize’ meaning: The holder of an RID CI, CT, CI/CT, CSC, or CDI or NAD LEVEL 3, 4, or 5 certification may go directly to the licensing office for a valid license to work. This is different from the current conversion rule where a candidate applies to the MCD to have an NAD or RID certificate ‘changed’ to be merged into some level of MICS based on a criteria.”

RESPONSE: The legislature created the BCI and mandated that it “shall issue the certificates, bearing the signature of the executive director, necessary to qualify for a license to interpret (209.292.1 (2), RSMo 2000).” It further stipulates that the BCI shall, with the approval of the Commission, “develop a conversion system and policy for accepting other certification systems into the certification offered by the Missouri commission for the deaf (209.292.1(9), RSMo 2000).” Furthermore, the law that created the State Committee of Interpreters indicates that each applicant that applies for a license “must submit to the committee verification from the Missouri commission for the deaf that the applicant has achieved the appropriate certification to qualify for licensure (209.323(4) RSMo, 2000).” The intent of the legislature was clearly that all applicants for a license to interpret in Missouri must be certified in the Missouri Interpreter Certification System and be certified by the Missouri Commission for the Deaf. We cannot abrogate the intent of statutory law by passing a contrary administrative rule, for any administrative rule that conflicts with statutory law is null and void. No changes have been made to the rule as a result of this comment.

COMMENT: With respect to section (3)(A), three identical letters stated that “I am in support of this rule change, but it needs to be more specific and also more information needs to be given to the applicant. The interpreters should be allowed to know what categories to prepare for and the percentage needed to pass the written test.”

**RESPONSE:** The Commission agrees that the specific percentage of correct answers that is necessary to pass the written test should be included in the rules, and we have inserted that information in rule 5 CSR 100-200.060. While we are in agreement in principle that all interpreter applicants should be informed ahead of time regarding the categories of information they need to be prepared for when taking the written examination, we disagree that these should be specified by rule. Rather, after these revised rules become effective, MCD will develop a new "Interpreters Manual" which will discuss in detail the content of the written test and give sample questions. Given that the specific content of the written test may need to vary from time to time, it would be unwise to specify content in a rule thus making it a long and difficult process to change. No changes have been made to the rule as a result of this comment.

**EXPLANATION OF CHANGE:** Although no specific comment was received regarding this matter, the Commission notes that the first sentence of section (5) in the proposed rule more appropriately belongs in section (4). Thus, that sentence has been moved and is now the last sentence in section (4). Furthermore, sections (5) and (6) have been reworded as a necessary result of comments submitted regarding other rules. In particular, section (5) defines three new MICS certifications, those being the RCED (K-6), RCED (7-12) and RCED (General), and section (6) makes it clear that with only two exceptions all MICS certifications are subject to renewal annually.

#### 5 CSR 100-200.030 Missouri Interpreter Certification System

(4) The performance evaluation is the measurement tool used to analyze the performance test and determine the applicant's ability to facilitate communication between deaf or hard of hearing people and persons who are hearing by means of one or more of the skills detailed in subsection (3)(B) above. The MICS performance evaluation standards shall be based upon the testing materials used.

(5) The types and levels of interpreter certification granted by the MICS are Novice, Apprentice, Intermediate, Advanced, Comprehensive, Restricted Certification in Education (K-6), Restricted Certification in Education (7-12), Restricted Certification in Education (General) and the Intern/Practicum Certification.

(A) The Novice and Apprentice certifications are issued for terms of three (3) years.

(B) The Intern/Practicum Certification is issued for a term specified pursuant to 5 CSR 100-200.085.

(C) All other certifications are permanent.

(6) All MICS certifications are subject to renewal annually pursuant to 5 CSR 100-200.125, provided that the holder commits no violation of any provision of the *Revised Statutes of Missouri* or the *Missouri Code of State Regulations* pertaining to interpreter certification or Licensure, with the following exceptions:

(A) The Intern/Practicum Certification;

(B) When the three (3)-year term of a Novice or Apprentice certification expires on or before the annual renewal date.

### Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION Division 100—Missouri Commission for the Deaf Chapter 200—Board for Certification of Interpreters

#### ORDER OF RULEMAKING

By the authority vested in the Missouri Commission for the Deaf under sections 209.292(1) and 209.295(1) and (3), RSMo 2000, the commission rescinds a rule as follows:

#### 5 CSR 100-200.040 Restricted Permit in Education is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 4, 2001 (26 MoReg 1662). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The Missouri Commission for the Deaf received two (2) written comments concerning this rule.

**COMMENT:** One person wrote "I'm aware of the time and effort spent on the current Proposed Rules and would like to compliment all those who worked so diligently on them. I would like to see ALL of the Proposed Rules accepted."

**RESPONSE:** Thank you for your support.

**COMMENT:** One person wrote "First I'd like to say that in general, I strongly support the Proposed Rules published in the *Missouri Register* on September 4, 2001."

**RESPONSE:** Thank you for your support.

### Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION Division 100—Missouri Commission for the Deaf Chapter 200—Board for Certification of Interpreters

#### ORDER OF RULEMAKING

By the authority vested in the Missouri Commission for the Deaf under sections 209.292(1), and 209.295(1), (3) and (8), RSMo 2000, the commission adopts a rule as follows:

5 CSR 100-200.040 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 4, 2001 (26 MoReg 1662). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** Comments were received and the Commission is revising the proposed rule.

**COMMENT:** One person wrote "I'm aware of the time and effort spent on the current Proposed Rules and would like to compliment all those who worked so diligently on them. I would like to see ALL of the Proposed Rules accepted."

**RESPONSE:** Thank you for your support.

**COMMENT:** One person wrote "First I'd like to say that in general, I strongly support the Proposed Rules published in the *Missouri Register* on September 4, 2001."

**RESPONSE:** Thank you for your support.

**COMMENT:** The Division of Special Education of the Department of Elementary and Secondary Education stated that "We believe this rule needs to provide for something other than an 'Intermediate Certification' level for school settings. Instead, we believe certification for the elementary school setting and secondary setting need to be provided for in addition to the Intermediate Level which should apply to post-secondary institutions such as junior colleges, technical institutes, colleges, universities, and professional schools. These also need to be reflected in the Skill Level Standards (5 CSR 100-200.170) for Education Setting and the Missouri Interpreter Certification System rule references to levels of interpreter certification (5 CSR 100-200.030(5))."

These changes in the proposed rules would allow for the recognition, in the conversion procedures provided for in 5 CSR 100-200.100, of the 'Educational Interpreters Performance Assessment' (EIPA), which evaluates the specialized skills of interpreters working in public school settings. The EIPA allows for assessment in the elementary setting or secondary setting, and allows for choice by the interpreter of ASL, PSE, and SEE II. The result is a score which provides a measure of an educational interpreter's abilities. MCD could then convert the scores and certify the interpreter under the Restricted Certificate in Education as either Elementary Level, or Secondary Level, and use the Intermediate Level for post-secondary settings. An endorsement identifying ASL, PSE, or SEE II, would benefit consumers and ensure students were provided interpreter services pursuant to their Individualized Education Program (IEP) requirements."

**RESPONSE AND EXPLANATION OF CHANGE:** The Commission agrees that there is a need for additional certification options for interpreters working in grades K-12. Deaf and hard of hearing children in the public elementary and secondary schools are covered by the Individuals with Disabilities Education Act (IDEA) which requires the development of an Individualized Education Program (IEP) for such children, and the MICS needs to provide options that can better ensure that IEP mandates are being met. Providing for three new certifications, RCED (K-6), RCED (7-12) and RCED (General), with appropriate communication mode endorsements, and changing the conversion rule (5 CSR 100-200.100) so as to allow for the development of automatic conversion tables from other certification systems, such as the Educational Interpreters Performance Assessment (EIPA), will accomplish those needed changes. Section (1) provides for these three new certifications. Section (2) indicates how these new certifications can be obtained. And section (5) has been added to make it clear that a person may obtain more than one RCED if they so choose.

**COMMENT:** Two commenters indicated that an interpreter with an RCED, which represents only an Intermediate certification level, should not be interpreting for deaf and hard of hearing children at the elementary school level because those children may not have the necessary English language comprehension to effectively use an interpreter with only limited skills. Thus those children will be behind grade-level in their reading and writing skills. A similar comment stated that "The standard of an intermediate certification is set too low for elementary and secondary educational settings, due to the fact that they are not proficient in the language."

**RESPONSE:** The Commission agrees that very young deaf and hard of hearing children may often be language deficient and critically need special services for the development of grade-level language skills. However, meeting those needs is not the responsibility of the MICS. Rather those needs must be specified in the child's IEP, and then appropriate interpreter skills identified to help meet those needs. While we are completely sympathetic with the desire for elementary school children with underdeveloped language skills to receive competent interpreter services, we disagree that interpreters with Intermediate certification are categorically unable to provide competent services and thus should not be allowed to interpret in elementary school settings. The important thing is that the interpreter's skills match the child's needs as legally mandated in their IEP, and we will be helping to ensure that by creation of an RCED (K-6), RCED (7-12), and RCED (General), with communication mode endorsements. No changes have been made to the rule as a result of this comment.

**COMMENT:** Two commenters indicated that the RCED should not be allowed in postsecondary settings. One said "If you put Interpreter from RCED on Intermediate level who interpreting at college level would not be qualified at all. It should be just good

enough and Deaf/HOH would suffer by missing a lot of critical issues in class." The other stated that "These two certificate holders, RCED and Intermediate, possess the minimum level of competency. They could also be at the minimum in eligibility to be tested—age 18 and hold a high school diploma or GED. How is a high school graduate that is 18 or 19 years old, holds an RCED qualified to interpret in a college Math class? A graduate school Statistics class? Law School? A psychological testing situation for a student in a Tech school? They are not. They do not possess the cultural knowledge, specialized sign language vocabulary, to name a few skills necessary to succeed in these arenas." Still another commenter "would strongly urge caution to be exercised in regards to using level three/intermediate certified interpreters for some higher level classes: masters, doctorate, graduate school, law school."

**RESPONSE AND EXPLANATION OF CHANGE:** The Commission is persuaded that the RCED should continue to be acceptable only in grades K-12 and not extended into postsecondary settings. In grades K-12 services are mandated by the IEP process, and the creation of new certifications RCED (K-6), RCED (7-12), and RCED (General), with communication mode endorsements, will help ensure that IEP mandates concerning communication are being fulfilled and help enable consumers to hold school administrators accountable for providing IEP mandated interpreters.

On the other hand, colleges, universities, and professional schools are dealing with young adults who are better equipped to assert their needs themselves, and to seek appropriate remedies if they are not provided with a "qualified interpreter" as defined by the regulations of the U.S. Department of Justice. In addition, by the time a deaf or hard of hearing student who needs interpreter support enters college, they generally have developed flexible receptive signing skills and are no longer tied to a specific signing system, such as SEE II, and their needs should be adequately met by most interpreters with Intermediate, Advanced or Comprehensive certification. However, advanced vocabulary and signing skills will often be required in postsecondary educational settings in order for an interpreter to accurately convey the content of classes taught in those settings. For that reason we agree that interpreters with only Intermediate certifications should always use caution before working in those settings and, as required by Missouri law, limit their practice to "demonstrated areas of competence as documented by relevant professional education, training, experience and certification" (209.321(3), RSMo 2000). Thus, section (1) has been modified to delete references to postsecondary settings.

**COMMENT:** Three identical letters stated "I am opposed to this rule change. The applicant must be proficient in both transliterating and ASL. The students that would utilize interpreters in an educational setting could be an ASL or Signed English user. Therefore, it must be mandated that the interpreters be proficient in both."

**RESPONSE:** Educational interpreters who work in the public elementary and secondary schools generally are hired to work all year with the same consumer. They usually don't provide services to a wide variety of consumers with diverse communication skills. Rather, they are hired to fit the specific requirements of a student's IEP, and generally only provide one communication mode for their assigned student. So, having a certification based on only one communication mode, as is the case with the RCED, is reasonable for educational interpreters in grades K-12. No changes have been made to the rule as a result of this comment.

**COMMENT:** "If RCED is equivalent to the Intermediate level certification, why is this certification needed?"

RESPONSE: By creating an RCED (K-6), RCED (7-12), and RCED (General), with communication mode endorsements, the Commission will be helping to ensure that the mandates of a student's IEP are being carried out as they concern interpreting services in elementary and secondary educational settings. No changes have been made to the rule as a result of this comment.

COMMENT: "Even though I support the Deaf Community and the use of American Sign Language 85% of the time, there IS a need for other modes of communication. Others may be different, but that doesn't make them wrong."

RESPONSE AND EXPLANATION OF CHANGE: It is very true that there are diverse communication needs among persons who are deaf and hard of hearing. The creation of an RCED (K-6), RCED (7-12), and RCED (General), with communication mode endorsements, recognizes this diversity and will help to ensure that interpreting services provided in public schools meet students' IEP mandates. Section (3) has been added to clarify the different communication modes in which an RCED holder can demonstrate competence.

#### 5 CSR 100-200.040 Restricted Certification in Education

*PURPOSE: This rule outlines how individuals may be granted a Restricted Certification in Education which will allow the holder to interpret only in elementary and secondary educational settings.*

(1) The Restricted Certification in Education (RCED) shall be issued in one (1) of three (3) different formats, an RCED (K-6), RCED (7-12), and RCED (General).

(A) The RCED (K-6) shall be valid only for interpreting in kindergarten through grade six (6) as set forth in 5 CSR 100-200.170.

(B) The RCED (7-12) shall be valid only for interpreting in grades seven through twelve (7-12) as set forth in 5 CSR 100-200.170.

(C) The RCED (General) shall be valid for interpreting in kindergarten through grade twelve (12) as set forth in 5 CSR 100-200.170.

(2) An RCED may be obtained in one (1) of the following ways:

(A) An RCED (K-6) can be obtained only by conversion pursuant to rule 5 CSR 100-200.100;

(B) An RCED (7-12) can be obtained only by conversion pursuant to rule 5 CSR 100-200.100;

(C) An RCED (General) can be obtained only through performance testing in the Missouri Interpreter Certification System (MICS) as set forth in 5 CSR 100-200.070.

(3) All RCED certificates shall be issued with an appropriate endorsement showing the communication mode in which the recipient is qualified. The communication mode endorsement shall be one (1) of the following:

(A) American Sign Language (ASL);

(B) Pidgin Signed English (PSE);

(C) Signing Exact English II (SEE II).

(4) The RCED (General) shall be given based on the applicant's ability to meet the minimum criteria for the Intermediate Certification level in either:

(A) Interpreting from spoken English to American Sign Language and from American Sign Language to spoken English; or

(B) Transliterating from spoken English to an English-based sign system, such as PSE or SEE II, and from an English-based sign system to spoken English.

(5) An applicant may obtain more than one (1) RCED, with different formats and/or communication mode endorsements, but for each RCED the applicant must submit a new application, pay the

appropriate fee(s), and, if required, take the appropriate performance test.

## Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

### Division 100—Missouri Commission for the Deaf Chapter 200—Board for Certification of Interpreters

#### ORDER OF RULEMAKING

By the authority vested in the Missouri Commission for the Deaf under section 209.295(1), RSMo 2000, the commission rescinds a rule as follows:

#### 5 CSR 100-200.050 Application for Missouri Interpreter Certification is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 4, 2001 (26 MoReg 1662-1663). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Commission for the Deaf received two (2) written comments concerning this rule.

COMMENT: One person wrote "I'm aware of the time and effort spent on the current Proposed Rules and would like to compliment all those who worked so diligently on them. I would like to see ALL of the Proposed Rules accepted."

RESPONSE: Thank you for your support.

COMMENT: One person wrote "First I'd like to say that in general, I strongly support the Proposed Rules published in the *Missouri Register* on September 4, 2001."

RESPONSE: Thank you for your support.

## Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

### Division 100—Missouri Commission for the Deaf Chapter 200—Board for Certification of Interpreters

#### ORDER OF RULEMAKING

By the authority vested in the Missouri Commission for the Deaf under sections 209.292(1), and 209.295(1) and (8), RSMo 2000, the commission adopts a rule as follows:

#### 5 CSR 100-200.050 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 4, 2001 (26 MoReg 1663). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Comments were received and the Commission is revising the proposed rule.

COMMENT: One person wrote "I'm aware of the time and effort spent on the current Proposed Rules and would like to compliment all those who worked so diligently on them. I would like to see ALL of the Proposed Rules accepted."

RESPONSE: Thank you for your support.

COMMENT: One person wrote "First I'd like to say that in general, I strongly support the Proposed Rules published in the *Missouri Register* on September 4, 2001."

RESPONSE: Thank you for your support.

COMMENT: One person commented that interpreters should not have to convert RID certification, but rather "Provide proof of current national certification from R.I.D., full recognition of all N.R.I.D. certificates." Similarly, another person commented "I strongly urge RID/NAD certifications to be accepted in Missouri. It is very restrictive to not allow those moving into the state with these nationally recognized and reputable certifications to be denied an equitable level in Missouri since no conversion policy is in effect here."

RESPONSE: The legislature created the BCI and mandated that it "shall issue the certificates, bearing the signature of the executive director, necessary to qualify for a license to interpret (209.292.1(2), RSMo 2000)." It further stipulates that the BCI shall, with the approval of the Commission, "develop a conversion system and policy for accepting other certification systems into the certification offered by the Missouri commission for the deaf (209.292.1(9), RSMo 2000)." Furthermore, the law that created the State Committee of Interpreters indicates that each applicant that applies for a license "must submit to the committee verification from the Missouri commission for the deaf that the applicant has achieved the appropriate certification to qualify for licensure (209.323(4), RSMo 2000)." The intent of the legislature was clearly that all applicants for a license to interpret in Missouri must be certified in the Missouri Interpreter Certification System and be certified by the Missouri Commission for the Deaf. We cannot abrogate the intent of statutory law by passing a contrary administrative rule, for any administrative rule that conflicts with statutory law is null and void.

However, the Commission is sympathetic with the desire to make it quick and easy for out of state interpreters to come to Missouri and join our pool of working interpreters. The changes that have been made in the conversion rule (5 CSR 100-200.100) will allow us to develop conversion tables that will provide for fairly immediate and automatic conversion from other state and national certifications, such as NAD, RID, and the EIPA, to MICS certification. No changes have been made to the rule as a result of this comment.

EXPLANATION OF CHANGE: Subsection (5)(B) has been changed to refer to an RCED (General) given that the RCED will be available in three different formats.

#### **5 CSR 100-200.050 Application for Interpreter Certification in Missouri**

(5) The completed application must clearly describe the applicant's intent to:

- (A) Obtain a standard MICS certification through written and performance testing;
- (B) Obtain a Restricted Certification in Education (General) through written and performance testing;
- (C) Obtain an Intern/Practicum Certification; or
- (D) Convert certification.

### **Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION**

#### **Division 100—Missouri Commission for the Deaf**

#### **Chapter 200—Board for Certification of Interpreters**

#### **ORDER OF RULEMAKING**

By the authority vested in the Missouri Commission for the Deaf under sections 209.292(1) and 209.295(8), RSMo 2000, the commission rescinds a rule as follows:

#### **5 CSR 100-200.060 Written Examination is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 4, 2001 (26 MoReg 1663). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Commission for the Deaf received two (2) written comments concerning this rule.

COMMENT: One person wrote "I'm aware of the time and effort spent on the current Proposed Rules and would like to compliment all those who worked so diligently on them. I would like to see ALL of the Proposed Rules accepted."

RESPONSE: Thank you for your support.

COMMENT: One person wrote "First I'd like to say that in general, I strongly support the Proposed Rules published in the *Missouri Register* on September 4, 2001."

RESPONSE: Thank you for your support.

### **Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION**

#### **Division 100—Missouri Commission for the Deaf**

#### **Chapter 200—Board for Certification of Interpreters**

#### **ORDER OF RULEMAKING**

By the authority vested in the Missouri Commission for the Deaf under sections 209.292(1), and 209.295(8), RSMo 2000, the commission adopts a rule as follows:

5 CSR 100-200.060 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 4, 2001 (26 MoReg 1663-1664). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Comments were received and the Commission is revising the proposed rule.

COMMENT: One person wrote "I'm aware of the time and effort spent on the current Proposed Rules and would like to compliment all those who worked so diligently on them. I would like to see ALL of the Proposed Rules accepted."

RESPONSE: Thank you for your support.

COMMENT: One person wrote "First I'd like to say that in general, I strongly support the Proposed Rules published in the *Missouri Register* on September 4, 2001."

RESPONSE: Thank you for your support.

COMMENT: "In order to ensure the accountability, defensibility, and the standardization of the written test, the State Committee of Interpreters recommends that the passing score which has already been identified and publicized in other documents be clearly identified in the rule."

RESPONSE AND EXPLANATION OF CHANGE: The Commission agrees that the passing criteria (85% correct or

better) should be included, and we have now included that in section (7).

COMMENT: Three identical letters stated "I am in support of this rule with the exception that the language is too vague. Test dates need to be standardized. What does feasible mean?"

RESPONSE: Only newcomers to the Missouri Interpreter Certification System take the written test. Those are either ITP students or interpreters who have moved to Missouri from another state. If we were to standardize test dates and give the test only a certain number of times during the year, those individuals would lose the almost total flexibility that the system now offers them. Instead of being able to take the written test as soon as they desire, they might have to wait several months until the next scheduled test date, and that would not be to their benefit.

Similarly, by offering tests "as often as feasible, but no less than two (2) times a year" we retain the ability to offer group tests at proctor sites on an "as needed" basis, a benefit which applicants would lose if we were to standardize test dates and limit the test to a certain number of times per year. No changes have been made to the rule as a result of this comment.

COMMENT: Three identical letters stated "I am in support of this rule with the exception that the language is too vague. Test dates need to be standardized. 'What is reasonable prior notice?'"

RESPONSE: The phrase "reasonable prior notice" allows for maximum flexibility to meet individual needs and circumstances. If we were to specify a particular number of days, e.g., two days, the number might be viewed by some people as arbitrary. And if a situation came up that exceeded the specified number of days because of good reason, then MCD would have to either violate the rule or engage in the enforcement of the rule even though there were good reasons for the failure to appear for the test. No changes have been made to the rule as a result of this comment.

COMMENT: Three identical letters stated "I am in support of this rule with the exception that the language is too vague. Test dates need to be standardized. 'When are the applicants going to be notified?' There should be a timeline 30 days, 60 days . . . to get the results, but this language is so that it could be 6 months before results are given and the applicants are able to work." Another commenter stated that all applicants should be "notified in writing of written test results within 30 days of taking the test."

RESPONSE: For applicants taking the written test at the MCD office, the tests are scored and the results are communicated to them within a matter of minutes after finishing the test. For applicants who take the test in a group at a remote proctor site, the tests need to be mailed to the MCD office for scoring, and results are communicated to applicants immediately thereafter. Written test results have always been communicated to applicants at most within a matter of days. No changes have been made to the rule as a result of this comment.

COMMENT: "Would it be feasible for all BCI members to have the necessary education and skills to provide the functions of this rule?"

RESPONSE: The necessary qualifications of the members of the BCI are specified by statute (209.287(2), RSMo 2000). In the past, the BCI has included people with a variety of educational backgrounds and skills. More importantly, however, the BCI has the authority to spend moneys from the BCI fund to obtain any resources necessary for the administration of the MICS. No changes have been made to the rule as a result of this comment.

#### 5 CSR 100-200.060 Written Test

(7) All applicants must have a passing score of eighty-five percent (85%) correct or better on the written test in order to qualify for taking the performance test.

### Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION Division 100—Missouri Commission for the Deaf Chapter 200—Board for Certification of Interpreters

#### ORDER OF RULEMAKING

By the authority vested in the Missouri Commission for the Deaf under sections 209.295(8) and 209.299, RSMo 2000, the commission rescinds a rule as follows:

#### 5 CSR 100-200.070 Performance Evaluation is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 4, 2001 (26 MoReg 1664). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Commission for the Deaf received two (2) written comments concerning this rule.

COMMENT: One person wrote "I'm aware of the time and effort spent on the current Proposed Rules and would like to compliment all those who worked so diligently on them. I would like to see ALL of the Proposed Rules accepted."

RESPONSE: Thank you for your support.

COMMENT: One person wrote "First I'd like to say that in general, I strongly support the Proposed Rules published in the *Missouri Register* on September 4, 2001."

RESPONSE: Thank you for your support.

### Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION Division 100—Missouri Commission for the Deaf Chapter 200—Board for Certification of Interpreters

#### ORDER OF RULEMAKING

By the authority vested in the Missouri Commission for the Deaf under sections 209.295(8) and 209.299, RSMo 2000, the commission adopts a rule as follows:

#### 5 CSR 100-200.070 Performance Test and Evaluation is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 4, 2001 (26 MoReg 1664-1665). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Comments were received but the Commission is not revising the proposed rule.

COMMENT: One person wrote "I'm aware of the time and effort spent on the current Proposed Rules and would like to compliment all those who worked so diligently on them. I would like to see ALL of the Proposed Rules accepted."

RESPONSE: Thank you for your support.

COMMENT: One person wrote "First I'd like to say that in general, I strongly support the Proposed Rules published in the *Missouri Register* on September 4, 2001."

RESPONSE: Thank you for your support.

COMMENT: Three identical letters asked "Why must 30 days advance notice be given?"

RESPONSE: Thirty (30) days advance notice must be given in order to ensure that a qualified staff person will be in the office to administer the performance test when an applicant shows up. In other words, the advance notice requirement is there to ensure that applicants don't make a "wasted trip" only to find that when they just "showed up" the MICS Coordinator was "out of town" or "on vacation." This notice requirement is basically for the protection of the applicants. As the scheduling queue may be several weeks long, the thirty (30)-day notice requirement does not pose any additional obstacles to applicants nor delay any further their actual testing dates. Furthermore, we do not view this as an unreasonable waiting period. Some professions give certification tests only once a year, and applicants may have to wait as long as eleven (11) months before testing. No changes have been made to the rule as a result of this comment.

COMMENT: Three identical letters stated "I am in support of this rule with the exception that the language is too vague. Test dates need to be standardized. What is reasonable prior notice?"

RESPONSE: The phrase "reasonable prior notice" allows for maximum flexibility to meet individual needs and circumstances. If we were to specify a particular number of days, e.g., two days, the number might be viewed by some people as arbitrary. And if a situation came up that exceeded the specified number of days because of good reason, then MCD would have to either violate the rule or engage in the enforcement of the rule even though there were good reasons for the failure to appear for the test. No changes have been made to the rule as a result of this comment.

COMMENT: Three identical letters stated "This needs to be more specific. When will the applicants be notified? The interpreters need timelines so they can plan ahead for their career and such." Two other commenters stated that results should be "provided within 90 (ninety) days." One other commenter stated that "I believe an interpreter shouldn't have to wait more than sixty days for their test results."

RESPONSE: By law, all MICS evaluators "shall serve without compensation" (209.292(2), RSMo 2000). Given that MCD is dependent upon the services of volunteer evaluators, we have almost no control over when the evaluation of a particular performance tape will be completed. No changes have been made to the rule as a result of this comment.

COMMENT: Three identical letters stated "The applicants should also be allowed to know what they would be tested on for the performance test. They should be allowed to see the actual form the evaluators use to score with. We are not trying to trick anybody. It should be very straight forward. This is a skilled-based test, they either have it or they don't."

RESPONSE: The Commission agrees that more information should be available to applicants regarding the nature of the performance test, including the factors upon which they will be evaluated. After these rules become effective we will develop a new "Interpreters Manual" detailing this information for applicants. However, as the actual scoring form may well need to be modified from time to time, it would be imprudent to lock its contents into an administrative rule that would require a lot of time to change. No changes have been made to the rule as a result of this comment.

COMMENT: Three identical letters stated "The applicants should be allowed to apply to take test 4-5 and not test 1-3 if they chose

to do so. With MICS being so behind on getting results out to the applicants, this would help alleviate some of the backlog. The applicant should have a choice of which level of tapes they want to be tested on either tapes 1-3 or tapes 4-5."

RESPONSE: In theory the Commission is sympathetic with the idea that applicants should be allowed to choose the level of performance test that they want to take. However, the practical problem is what would we do if a person elected to take a 4-5 test and "failed." They would not get an Intermediate certification as they had not demonstrated that level of skill (85% on 1-3 tape), so we would be left with no alternative but to give them "nothing." We don't think interpreters want to take that risk, and changing to a structure that would allow it to happen would not be desirable. No changes have been made to the rule as a result of this comment.

COMMENT: "The education and skills needed to provide the function may be beyond the scope of the BCI members. To provide the education and training for the members would be a very costly and time consuming undertaking."

RESPONSE: The necessary qualifications of the members of the BCI are specified by statute (209.287(2), RSMo 2000). In the past, the BCI has included people with a variety of educational backgrounds and skills. More importantly, however, the BCI has the authority to spend moneys from the BCI fund to obtain any resources necessary for the administration of the MICS. No changes have been made to the rule as a result of this comment.

COMMENT: "Would MCD have enough highly trained evaluators who would and could be available for evaluations and the results to be provided in a timely manner?"

RESPONSE: As of the time of this writing, MCD has managed to reduce what once was a seven (7)-month waiting period to receive notification of performance test results to normally less than a ninety (90)-day waiting period with our current pool of evaluators. During the summer of 2001 we had three evaluator training sessions involving more than fifteen potential new evaluators, and we are optimistic that we will be able to expand our pool of evaluators even further in the near future. No changes have been made to the rule as a result of this comment.

COMMENT: Two comments were submitted objecting to the deletion from the old rule the sentence that said "The evaluators will inform the applicant of his/her score after the evaluation." These two comments asserted that MCD had been violating the law by not giving interpreters their scores. These two comments further objected to the omission of the requirement to provide interpreters with feedback regarding their performance test.

RESPONSE: The historical interpretation of the law, rules, and policy regarding giving interpreters their "score" has been mixed, confusing, and subject to some controversy. However, we intend to fully honor the law in this area as we understand it. The law says that "As soon as possible after completion of an evaluation, the coordinator shall notify the applicant of his score and level of certification (209.299, RSMo 2000)." Careful note should be made of the fact that the word "score" is singular, not plural. That being the case, it has historically been the practice of MCD to interpret the word "score" to be the same as "level" (which is also singular). However, we certainly understand the position that these two words may refer to different concepts. In order to honor the fact that there are different interpretations of this provision in the law, and to provide maximum information to applicants for certification, effective immediately MCD will provide interpreters with both the score that determined their level of certification and their level of certification when we notify them of their performance test results.

On the other hand, the law (209.285 to 209.339, RSMo 2000) doesn't require that MCD provide "feedback" to interpreter applicants. Rather, that practice was established by administrative rule

(5 CSR 100-200.070), and thus the rule can be changed as we have proposed. The practice of providing feedback worked reasonably well when MCD did live evaluations and could give feedback that was a consensus of the group of evaluators. When MCD stopped doing live evaluations, giving group feedback became more problematic.

The law requires us to certify interpreters, i.e., to publicly attest to their level of interpreting skill, and that is an assessment activity. We are not mandated to provide feedback, which is a diagnostic activity. By adding mentorship as an approved activity for earning CEUs in rule 5 CSR 100-200.130, we have added an activity that can be used by interpreters to obtain timely, effective and ongoing diagnostic feedback if desired. No changes have been made to the rule as a result of this comment.

COMMENT: "Applicants may schedule a performance test when slots are available and there is no backlog of tapes waiting to be evaluated."

RESPONSE: To restrict the scheduling of performance tests to only when "there is no backlog of tapes waiting to be evaluated" is in principle perhaps a worthy goal. In practice, however, to do so is simply unrealistic given that many people will disagree on what constitutes a "backlog." We must schedule performance tests in such a way that the waiting period for results is "acceptable." We are now notifying people of their performance test results normally within ninety (90) days of their test, and we view that as acceptable. No changes have been made to the rule as a result of this comment.

COMMENT: "Due to limited numbers of evaluators, tapes become backlogged when applicants are simply allowed to come in and test. It could take in excess of 6 months to review these tapes. To limit the pressure on the MCD staff, limit the number of tapes to be evaluated to avoid crisis."

RESPONSE: MCD has managed to reduce what was a seven (7)-month waiting period to normally less than a ninety (90)-day waiting period by tremendous cooperation from our current pool of evaluators and by implementing more effective scheduling management techniques. We will continue to use scheduling management techniques to avoid future crises in the evaluation process. No changes have been made to the rule as a result of this comment.

**Title 5—DEPARTMENT OF ELEMENTARY AND  
SECONDARY EDUCATION  
Division 100—Missouri Commission for the Deaf  
Chapter 200—Board for Certification of Interpreters**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Commission for the Deaf under sections 209.292(1), (2) and (11), and 209.295(8), RSMo 2000, the commission adopts a rule as follows:

5 CSR 100-200.075 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 4, 2001 (26 MoReg 1665). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Comments were received and the Commission is revising the proposed rule.

COMMENT: One person wrote "I'm aware of the time and effort spent on the current Proposed Rules and would like to compliment all those who worked so diligently on them. I would like to see ALL of the Proposed Rules accepted."

RESPONSE: Thank you for your support.

COMMENT: One person wrote "First I'd like to say that in general, I strongly support the Proposed Rules published in the *Missouri Register* on September 4, 2001."

RESPONSE: Thank you for your support.

COMMENT: Three identical letters stated "This language has the same problem as the other CSRs. The language is too vague. A timeline needs to be given."

RESPONSE: By law, all MICS evaluators "shall serve without compensation" (209.292(2), RSMo 2000). Given that MCD is dependent upon the services of volunteer evaluators, we have almost no control over when the evaluation of a particular performance tape will be completed. No changes have been made to the rule as a result of this comment.

COMMENT: I strongly agree with this rule, especially (C) 1 & 2. I believe this is the "up or accept" rule and is long overdue!

RESPONSE: Thank you for your support.

EXPLANATION OF CHANGE: Subsection (1)(C) has been changed to refer to 'permanent' and 'term' certifications as they have been defined in rule 5 CSR 100-200.030.

**5 CSR 100-200.075 Voluntary Recertification**

(1) An interpreter in the Missouri Interpreter Certification System (MICS) can volunteer to have his/her performance retested and re-evaluated in order to recertify as Novice or Apprentice or to obtain a higher certification level.

(A) An interpreter can apply for retesting and reevaluation by contacting the coordinator and scheduling the reevaluation performance test.

(B) A reevaluation performance test fee must be submitted at least thirty (30) days prior to the date of the performance test.

1. If no fee is received, an applicant scheduled for a reevaluation performance test will not be allowed to take the reevaluation performance test, and will have to reschedule a new date and time for their reevaluation performance test.

2. If the appropriate reevaluation performance test fee has been received, then failure to appear for a scheduled reevaluation performance test without reasonable prior notice, except in emergencies, will result in forfeiture of an applicant's reevaluation performance test fee. When reasonable prior notice is given, or failure to appear is due to an emergency, the applicant will be allowed to reschedule their reevaluation performance test for some future time without forfeiture of the fee.

(C) In cases of voluntary retesting and reevaluation, the performance test and reevaluation:

1. Shall have no effect on any permanent certification held by the interpreter other than to possibly qualify the interpreter for a higher level of certification.

2. Shall have no negative effect on the current status of a three (3)-year term certification. If an interpreter that holds a three (3)-year term certification achieves the same or a higher level of certification than that currently held by the interpreter, the Board for Certification of Interpreters shall issue a new certification showing the same or higher level of certification achieved.

**Title 5—DEPARTMENT OF ELEMENTARY AND  
SECONDARY EDUCATION  
Division 100—Missouri Commission for the Deaf  
Chapter 200—Board for Certification of Interpreters**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Commission for the Deaf under sections 209.292(1), (11) and (12) and 209.295(2) and (8), RSMo 2000, the commission withdraws a rule as follows:

**5 CSR 100-200.080** Supplementary Performance Evaluations is **withdrawn.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 4, 2001 (26 MoReg 1665-1666). This proposed rule is withdrawn.

**SUMMARY OF COMMENTS:** The Missouri Commission for the Deaf received twelve (12) written comments concerning this rule. Most of the comments were against the rule. The comments emphasized that the rule would add stress to an already burdened performance evaluation system, that valid reasons for complaint could be handled through the grievance procedure detailed in 5 CSR 100-200.180, and that it was questionable whether or not scores from a supplemental evaluation team should be “combined” with those of the original evaluation team or “replace” those of the original evaluation team.

**RESPONSE:** The commission is persuaded by the many comments and questions regarding this proposed rule that it is unnecessary and controversial. The rule is withdrawn.

**Title 5—DEPARTMENT OF ELEMENTARY AND  
SECONDARY EDUCATION  
Division 100—Missouri Commission for the Deaf  
Chapter 200—Board for Certification of Interpreters**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Commission for the Deaf under sections 209.295(8) and 209.297(2), RSMo 2000, the commission rescinds a rule as follows:

**5 CSR 100-200.085** Intern/Practicum Student Interpreting Permit Eligibility is **rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 4, 2001 (26 MoReg 1666). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The Missouri Commission for the Deaf received two (2) written comments concerning this rule.

**COMMENT:** One person wrote “I’m aware of the time and effort spent on the current Proposed Rules and would like to compliment all those who worked so diligently on them. I would like to see ALL of the Proposed Rules accepted.”

**RESPONSE:** Thank you for your support.

**COMMENT:** One person wrote “First I’d like to say that in general, I strongly support the Proposed Rules published in the *Missouri Register* on September 4, 2001.”

**RESPONSE:** Thank you for your support.

**Title 5—DEPARTMENT OF ELEMENTARY AND  
SECONDARY EDUCATION  
Division 100—Missouri Commission for the Deaf  
Chapter 200—Board for Certification of Interpreters**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Commission for the Deaf under sections 209.295(8), and 209.297(2), RSMo 2000, the commission adopts a rule as follows:

**5 CSR 100-200.085** is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 4, 2001 (26 MoReg 1666). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** Comments were received and the Commission is revising the proposed rule.

**COMMENT:** One person wrote “I’m aware of the time and effort spent on the current Proposed Rules and would like to compliment all those who worked so diligently on them. I would like to see ALL of the Proposed Rules accepted.”

**RESPONSE:** Thank you for your support.

**COMMENT:** One person wrote “First I’d like to say that in general, I strongly support the Proposed Rules published in the *Missouri Register* on September 4, 2001.”

**RESPONSE:** Thank you for your support.

**COMMENT:** “The phrase, ‘an accredited Interpreter training Program (ITP),’ could be interpreted to mean that the ITP has completed an accreditation process specific to the education of interpreters such as the Self-Study Review offered by the Conference of Interpreter Trainers. If it is the intent of the MCD and the BCI to require all ITP’s in the state of Missouri to complete such an accreditation process, the State Committee of Interpreters offers its support.”

**RESPONSE AND EXPLANATION OF CHANGE:** It was not the intent of MCD to only grant Intern/Practicum Certification (IPC) to students enrolled in ITP programs that have completed a review process specific to the education of interpreters, such as the Self-Study Review offered by the Conference of Interpreter Trainers. While we would certainly encourage all ITP programs in Missouri to undergo such a review process, the use of the word “accredited” in this rule is meant only to imply recognition by the MCD and that the institution of higher education in which the ITP is housed has been regionally accredited. Section (1) has been changed to make this clear.

**COMMENT:** “The State Committee of Interpreters believes that student interpreters with Intern/Practicum Certification must be supervised by a licensed interpreter at any time that the student engages in the act of interpreting for consumers. We recommend the following addition to this rule: (6) A student with IPC must be personally supervised by a licensed interpreter holding current renewable certification at [sic] whenever the student engages in the act of interpreting.”

**RESPONSE:** While the Commission fully understands and agrees with the need for supervision of Intern/Practicum students by a licensed interpreter when the students are engaged in the practice of interpreting, we disagree that this needs to be on a one-to-one basis as is implied by the suggested language. It has always been the historical practice in Missouri that Intern/Practicum students could be supervised as a group (one supervisor to several students) with the supervisor first observing one and then observing another, and the suggested language would prevent that from happening. MCD believes that incorporation of the suggested language would be directly detrimental to the interests of students needing Intern/Practicum experiences and indirectly detrimental to the interests of consumers needing interpreting services. No changes have been made to the rule as a result of this comment.

**COMMENT:** “I suggest using another term instead of Certification. Certification, alludes to a specific skill level. Possibly use the term PERMIT or another equivalent.”

RESPONSE: The meaning of the word "permit" can all too easily be confused with the meaning of the word "license," and MCD has no authority to issue permits or licenses to interpreters. That is why we have eliminated the word "permit" from all of our rules. On the other hand, the word "certify" simply means to "attest to authoritatively" or "attest as being true." MCD attests that interpreters have a certain minimum skill level when we issue a certification based on a performance evaluation. We can also attest as being true that an interpreter is enrolled in an ITP, and that is what the Intern/Practicum Certification does. No changes have been made to the rule as a result of this comment.

EXPLANATION OF CHANGE: The words "Board for Certification of Interpreters" have been deleted from section (2) for stylistic consistency given that the BCI is now fully identified in section (1).

#### **5 CSR 100-200.085 Intern/Practicum Certification**

(1) Intern/Practicum Certification (IPC) will be granted to a student applicant upon verification of registration in an interpreting practicum or internship course in an Interpreter Training Program (ITP) that is recognized by the Board for Certification of Interpreters (BCI) and housed in a regionally accredited institution of higher education.

(2) The applicant's ITP director/coordinator is responsible for notifying the BCI regarding the effective start and end dates of the IPC.

### **Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION Division 100—Missouri Commission for the Deaf Chapter 200—Board for Certification of Interpreters**

#### **ORDER OF RULEMAKING**

By the authority vested in the Missouri Commission for the Deaf under sections 209.295(8), 209.297(2), and 209.309, RSMo 2000, the commission rescinds a rule as follows:

#### **5 CSR 100-200.090 Temporary Interpreting Permit Eligibility is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 4, 2001 (26 MoReg 1666-1667). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Commission for the Deaf received three (3) written comments concerning this rule.

COMMENT: One person wrote "I'm aware of the time and effort spent on the current Proposed Rules and would like to compliment all those who worked so diligently on them. I would like to see ALL of the Proposed Rules accepted."

RESPONSE: Thank you for your support.

COMMENT: One person wrote "First I'd like to say that in general, I strongly support the Proposed Rules published in the *Missouri Register* on September 4, 2001."

RESPONSE: Thank you for your support.

COMMENT: The State Committee is in support of the rescission of this rule, as no corresponding license is available to interpreters with a Temporary Permit.

RESPONSE: Thank you for your support.

### **Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION Division 100—Missouri Commission for the Deaf Chapter 200—Board for Certification of Interpreters**

#### **ORDER OF RULEMAKING**

By the authority vested in the Missouri Commission for the Deaf under sections 209.292(9) and 209.295(3) and (4), RSMo 2000, the commission rescinds a rule as follows:

#### **5 CSR 100-200.100 Conversion Procedure is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 4, 2001 (26 MoReg 1667). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Commission for the Deaf received two (2) written comments concerning this rule.

COMMENT: One person wrote "I'm aware of the time and effort spent on the current Proposed Rules and would like to compliment all those who worked so diligently on them. I would like to see ALL of the Proposed Rules accepted."

RESPONSE: Thank you for your support.

COMMENT: One person wrote "First I'd like to say that in general, I strongly support the Proposed Rules published in the *Missouri Register* on September 4, 2001."

RESPONSE: Thank you for your support.

### **Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION Division 100—Missouri Commission for the Deaf Chapter 200—Board for Certification of Interpreters**

#### **ORDER OF RULEMAKING**

By the authority vested in the Missouri Commission for the Deaf under sections 209.292(9), 209.295(3), and 209.295(4), RSMo 2000, the commission adopts a rule as follows:

#### **5 CSR 100-200.100 Certification Conversion Procedures is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 4, 2001 (26 MoReg 1667). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Comments were received but the commission is not revising the proposed rule.

COMMENT: One person wrote "I'm aware of the time and effort spent on the current Proposed Rules and would like to compliment all those who worked so diligently on them. I would like to see ALL of the Proposed Rules accepted."

RESPONSE: Thank you for your support.

COMMENT: One person wrote “First I’d like to say that in general, I strongly support the Proposed Rules published in the *Missouri Register* on September 4, 2001.”

RESPONSE: Thank you for your support.

COMMENT: “I thoroughly agree with this rule and the decisions made in regard to the conversion process.”

RESPONSE: Thank you for your support.

COMMENT: One commenter stated that “RID and NAD are not going to give over their evaluation procedures. For that reason RID and NAD just needs to be accepted and not converted. These are nationally recognized organizations.” Another person stated that “R.I.D. should be recognized as a complete certification.” Another person stated that “A straightforward recognition of RID and NAD certifications is beneficial to the State of Missouri.”

RESPONSE: The legislature created the BCI and mandated that it “shall issue the certificates, bearing the signature of the executive director, necessary to qualify for a license to interpret (209.292.1 (2), RSMo 2000).” It further stipulates that the BCI shall, with the approval of the Commission, “develop a conversion system and policy for accepting other certification systems into the certification offered by the Missouri commission for the deaf (209.292.1(9), RSMo 2000).” Furthermore, the law that created the State Committee of Interpreters indicates that each applicant that applies for a license “must submit to the committee verification from the Missouri commission for the deaf that the applicant has achieved the appropriate certification to qualify for licensure (209.323(4), RSMo 2000).” The intent of the legislature was clearly that all applicants for a license to interpret in Missouri must be certified in the Missouri Interpreter System and be certified by the Missouri Commission for the Deaf. We cannot abrogate the intent of statutory law by passing a contrary administrative rule, for any administrative rule that conflicts with statutory law is null and void.

However, the Commission is sympathetic with the desire to make it quick and easy for out of state interpreters to come to Missouri and join our pool of working interpreters. The changes that have been made in this rule will allow us to develop conversion tables that will provide for fairly immediate and automatic conversion from other state and national certifications, such as NAD, RID, and the EIPA, to MICS certification. No changes have been made to the rule as a result of this comment.

COMMENT: “Which certification will be converted into the MICS and what level?”

RESPONSE: The conversion tables for automatic conversions will be developed and publicized at a later date. Those will be policy decisions of the MCD. No changes have been made to the rule as a result of this comment.

COMMENT: “Evaluations are proprietary information. If shared, the testing tool would be compromised.”

RESPONSE: MCD is mandated to hold all testing materials and records confidentially (209.305(2), RSMo 2000), and thus any information provided to MCD regarding other certification systems would not necessarily be compromised. Furthermore, by adding the words “if needed” to this rule, MCD will be able to convert other generally recognized certifications to MICS certifications without the necessity of trying to obtain detailed proprietary information. No changes have been made to the rule as a result of this comment.

COMMENT: “Comparisons of evaluation tools would make the tool invalid and would compromise the evaluation.”

RESPONSE: The fact that two measurement tools are compared has nothing to do with the validity of either tool. No changes have been made to the rule as a result of this comment.

COMMENT: “An applicant is not privy to the evaluation or testing system, whether that is a national or a state test. How could an applicant be held responsible for this information?”

RESPONSE: The applicant is not required to be in possession of this information. The applicant is only required to authorize a release of performance information from the certifying entity from which conversion is being sought. No changes have been made to the rule as a result of this comment.

COMMENT: “The MICS was created and purchased from Kansas. It was used as a quality assurance-screening test not as a certification test or evaluation. This test, KQAST, has been proven not to be a valid and reliable tool for certification.”

RESPONSE: The Commission has been unable to find any documentation to support the allegation that the KQAST “has been proven not to be a valid and reliable tool for certification.” In fact, in an e-mail dated 10/16/01 the Director of the Kansas Commission for the Deaf and Hard of Hearing comments regarding this assertion that “I have not heard this yet,” and goes on to state that “our system overall is reliable and valid.” No changes have been made to the rule as a result of this comment.

COMMENT: “Publish the standards by which the MICS is evaluating candidates. Most other certifying states and entities publish their testing standards on the internet or mailed upon request.”

RESPONSE: The Commission agrees that the standards by which MICS is evaluating candidates should be published, but because the standards may need to be fine tuned from time to time, it would be imprudent to incorporate them in the MICS rules, thus making them difficult to change as needed. Rather the evaluation standards will be published in the new “Interpreters Manual” to be developed after the new rules become effective. No changes have been made to the rule as a result of this comment.

COMMENT: “It is impossible to accurately convert certificates— with or without the entities criteria. It is comparing apples and oranges. Reciprocity with each entity is more accurate and feasible based on general comparisons and established agreements.”

RESPONSE: Just as reciprocity can be done based on “general comparisons,” conversion can also be done based on “general comparisons.” If one looks closely at the proposed rule, one will note the addition to section (5) of the words “if needed.” This change is to enable MCD to develop conversion tables that will allow for automatic and fairly immediate conversion of several other state and national certifications, including NAD, RID, and the EIPA, to MICS certifications. No changes have been made to the rule as a result of this comment.

**Title 5—DEPARTMENT OF ELEMENTARY AND  
SECONDARY EDUCATION  
Division 100—Missouri Commission for the Deaf  
Chapter 200—Board for Certification of Interpreters**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Commission for the Deaf under sections 209.292(9), RSMo 2000, the commission rescinds a rule as follows:

**5 CSR 100-200.110 Grandfather Clause is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 4, 2001 (26 MoReg 1667–1668). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Commission for the Deaf received two (2) written comments concerning this rule.

COMMENT: One person wrote "I'm aware of the time and effort spent on the current Proposed Rules and would like to compliment all those who worked so diligently on them. I would like to see ALL of the Proposed Rules accepted."

RESPONSE: Thank you for your support.

COMMENT: One person wrote "First I'd like to say that in general, I strongly support the Proposed Rules published in the *Missouri Register* on September 4, 2001."

RESPONSE: Thank you for your support.

**Title 5—DEPARTMENT OF ELEMENTARY AND  
SECONDARY EDUCATION  
Division 100—Missouri Commission for the Deaf  
Chapter 200—Board for Certification of Interpreters**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Commission for the Deaf under sections 209.287, 209.292 and 209.309, RSMo 2000, the commission rescinds a rule as follows:

**5 CSR 100-200.120 Certification Validation is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 4, 2001 (26 MoReg 1668). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Commission for the Deaf received two (2) written comments concerning this rule.

COMMENT: One person wrote "I'm aware of the time and effort spent on the current Proposed Rules and would like to compliment all those who worked so diligently on them. I would like to see ALL of the Proposed Rules accepted."

RESPONSE: Thank you for your support.

COMMENT: One person wrote "First I'd like to say that in general, I strongly support the Proposed Rules published in the *Missouri Register* on September 4, 2001."

RESPONSE: Thank you for your support.

**Title 5—DEPARTMENT OF ELEMENTARY AND  
SECONDARY EDUCATION  
Division 100—Missouri Commission for the Deaf  
Chapter 200—Board for Certification of Interpreters**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Commission for the Deaf under sections 209.295(1), (2) and (8), 209.309 and 209.311, RSMo 2000, the commission adopts a rule as follows:

**5 CSR 100-200.125 is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 4, 2001 (26 MoReg 1668). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Comments were received and the commission is revising the proposed rule.

COMMENT: One person wrote "I'm aware of the time and effort spent on the current Proposed Rules and would like to compliment all those who worked so diligently on them. I would like to see ALL of the Proposed Rules accepted."

RESPONSE: Thank you for your support.

COMMENT: One person wrote "First I'd like to say that in general, I strongly support the Proposed Rules published in the *Missouri Register* on September 4, 2001."

RESPONSE: Thank you for your support.

EXPLANATION OF CHANGE: In response to a comment received regarding another rule, the "Purpose" and sections (1), (2) and (3) have been changed to clearly indicate that the annual renewal requirement applies to all MICS certifications with only two (2) exceptions. In addition, section (1) has been changed to indicate that the renewal items must be submitted on or before sixty (60) days prior to the licensing deadline in order to give interpreters a longer period of time in which to carefully assemble their renewal materials after earning their CEUs.

**5 CSR 100-200.125 Certification Renewal**

*PURPOSE: This rule outlines the procedures for filing for renewal of MICS certifications.*

(1) All holders of MICS certifications shall renew their certifications annually by submitting the following items to the Board for Certification of Interpreters on or before sixty (60) days prior to the licensing date established by the Missouri State Committee of Interpreters:

- (A) Renewal form;
- (B) A completed Continuing Education Unit (CEU) form accompanied by supporting documentation as required by 5 CSR 100-200.130;
- (C) Renewal fee; and
- (D) CEU processing fee.

(2) This rule does not apply to holders of the three (3)-year term certifications of Novice and Apprentice when those certifications expire on or before the annual renewal date.

(3) This rule does not apply to holders of the non renewable Intern/Practicum Certification discussed in 5 CSR 100-200.085.

**Title 5—DEPARTMENT OF ELEMENTARY AND  
SECONDARY EDUCATION  
Division 100—Missouri Commission for the Deaf  
Chapter 200—Board for Certification of Interpreters**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Commission for the Deaf under sections 209.292(10), and 209.295(6), RSMo 2000, the commission rescinds a rule as follows:

**5 CSR 100-200.130 Permit/Certification Maintenance (PCM) is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 4, 2001 (26 MoReg 1668). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission

becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The Missouri Commission for the Deaf received two (2) written comments concerning this rule.

**COMMENT:** One person wrote "I'm aware of the time and effort spent on the current Proposed Rules and would like to compliment all those who worked so diligently on them. I would like to see ALL of the Proposed Rules accepted."

**RESPONSE:** Thank you for your support.

**COMMENT:** One person wrote "First I'd like to say that in general, I strongly support the Proposed Rules published in the *Missouri Register* on September 4, 2001."

**RESPONSE:** Thank you for your support.

## **Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION**

### **Division 100—Missouri Commission for the Deaf Chapter 200—Board for Certification of Interpreters**

#### **ORDER OF RULEMAKING**

By the authority vested in the Missouri Commission for the Deaf under sections 209.292(10) and 209.295(1), (6) and (8), RSMo 2000, the commission adopts a rule as follows:

5 CSR 100-200.130 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 4, 2001 (26 MoReg 1669-1670). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** Comments were received and the Commission is revising the proposed rule.

**COMMENT:** One person wrote "I'm aware of the time and effort spent on the current Proposed Rules and would like to compliment all those who worked so diligently on them. I would like to see ALL of the Proposed Rules accepted."

**RESPONSE:** Thank you for your support.

**COMMENT:** One person wrote "First I'd like to say that in general, I strongly support the Proposed Rules published in the *Missouri Register* on September 4, 2001."

**RESPONSE:** Thank you for your support.

**COMMENT:** "The State Committee of Interpreters recognizes mentorship as a valuable tool in the training and professional development of licensed interpreters. The State Committee of Interpreters asks the BCI and MCD to ensure the availability of mentorship as an approved activity for certification maintenance . . ." Three other identical letters also stated that "Mentorship should be recognized as an approved activity in the certification maintenance program for the mentee and the mentor."

**RESPONSE:** The Commission agrees that mentorship should be an acceptable activity for earning CEUs, and we have added this to the language of section (1) and paragraph (8)(E)1.

**COMMENT:** "Given that certain certifications will last three (3) years and cannot be 'renewed' one potential interpretation of this rule is that it does not apply to non-renewable certifications. Interpreters with non-renewable certifications may not experience

any consequences for failing to comply with certification maintenance requirements."

**RESPONSE:** It definitely was not the intention of MCD that this rule be interpreted to mean "that it does not apply to non-renewable certifications." Annual certification maintenance requirements apply to interpreters at all certification levels, and we have changed the language of 5 CSR 100-200.125 to make this clear. No changes have been made to the rule as a result of this comment.

**COMMENT:** "R.I.D. CEU's should automatically be accepted. The national committee has already done the requirement and approval work for the BCI. This will save time and money for the BCI and Missouri. I'm recommending that the certification maintenance of NRID be fully recognized."

**RESPONSE AND EXPLANATION OF CHANGE:** The Commission agrees that CEUs given by RID should be accepted for MICS certification maintenance purposes, and we have modified the language of paragraph (1)(C)2. of the rule to incorporate this principle.

**EXPLANATION OF CHANGE:** We have modified the language of subsection (1)(C) to clarify the question that was raised in a comment to another rule regarding accredited ITP programs. In addition, although no comment was received regarding this matter, the Commission decided to differentiate the deadline for "earning" CEUs from the deadline for "submitting" evidence of having acquired CEUs necessary for annual certification maintenance. Thus, the deadline for earning CEUs has been kept at ninety (90) days prior to the licensing deadline, but the deadline for submitting CEU forms has been moved to sixty (60) days prior to the licensing deadline. This will allow interpreters to earn CEUs right up to the deadline for earning them, and still have 30 days for careful preparation and submittal of their CEU documentation. Thus, appropriate changes have been made to sections (3) and (5), as well as subsection (6)(A).

#### **5 CSR 100-200.130 Certification Maintenance**

(1) Annual participation in a continuing education program is required for interpreters certified in the Missouri Interpreter Certification System (MICS). This program involves study and performance options which must have prior approval from the Board for Certification of Interpreters (BCI) and which fulfill the requirements for certification maintenance in the MICS. This program may include seminars, lectures, conferences, workshops, extension study, correspondence courses, teaching, mentorship, self-study and other options, all of which must be approved by the BCI and must be related to interpreting.

(A) Program options may provide for evaluation methods to assure satisfactory completion by participants.

(B) The BCI shall ensure that persons responsible for the delivery or content of program options are qualified in the subject matter by education, experience and expertise.

(C) Presentations or program options offering MICS Continuing Education Units (CEUs) may be approved through any of the following methods:

1. All presentations and workshops offered by an Interpreter Training Program (ITP) recognized by the BCI and housed in an accredited institution of higher education will automatically be approved for MICS CEUs;

2. All presentations and workshops that give attendees CEUs approved by the Registry of Interpreters for the Deaf (RID) will automatically be approved for MICS CEUs;

3. MICS CEUs will be given for undergraduate or graduate studies related to interpreting in any regionally accredited institution of higher education. Satisfactory proof of course completion,

as required by the BCI, must be submitted in order for CEUs to be granted. The following hourly equivalents will be used by the BCI in issuing course-related MICS CEUs:

- A. 3 college credit hour course = 10 contact hours;
- B. 2 college credit hour course = 6 contact hours; and
- C. 1 college credit hour course = 3 contact hours.

4. The BCI may approve continuing education presentations and program options other than those offered by an ITP or the RID if they meet the following criteria prior to the event:

A. Application should be submitted not less than thirty (30) days prior to the event. Applications received less than thirty (30) days in advance cannot be guaranteed notification of approval.

B. Application to the BCI for approval shall be made on forms developed by the BCI. The application shall require detailed information relating to administration and organization, teaching staff, education content and development, methods of delivery, length of education activities, targeted skill level of interpreters, facilities and method of evaluation;

(D) With adequate documentation to the BCI, any interpreter whose primary responsibility is not the education of interpreters who leads, instructs or lectures to groups of interpreters or others on topics related to interpreting in organized continuing education or in-service programs shall be granted MICS CEUs for the time expended during actual presentation. Approval must be requested using procedures outlined in paragraph (1)(C)4. above. MICS CEUs for the same presentation in the same town will be allowed only once during a year;

(E) Any interpreter whose responsibility is the education of interpreters shall be granted MICS CEUs only for time expended in leading, instructing, or lecturing to groups of interpreters or others on topics related to interpreting in an organized continuing education or in-service program outside his/her formal responsibilities in a learning institution. Approval must be requested using procedures outlined in paragraph (1)(C)4. above. MICS CEUs for the same presentation in the same town will be allowed only once during a year.

(3) An interpreter shall be required to earn one and two-tenths (1.2) CEUs annually for certification maintenance in the MICS. Contact hours earned in another state will be accepted by the BCI provided that the hours acquired can be documented. The twelve (12) month period for annually earning CEUs will end ninety (90) days prior to the licensing deadline.

(5) Proof of completion of continuing education requirements shall be provided by interpreters to the BCI by submitting annually a completed CEU form approved by the BCI, proper documentation, and the CEU processing fee, on or before sixty (60) days prior to the licensing deadline. Proper documentation shall include one (1) or more of the following:

- (A) Certificate(s) of completion;
- (B) Letter(s) from providers stating date of attendance and program; and
- (C) Transcript(s) (if available).

(6) The BCI will review and verify all MICS CEUs claimed in the CEU forms submitted. After verification, the BCI will notify all applicants, as well as the State Committee of Interpreters, of the number of CEUs interpreters have earned for the year.

(A) Failure to submit a CEU form with verifiable MICS CEUs, proper documentation, and the CEU processing fee by the sixty (60) days CEU deadline will result in an interpreter's certification not being renewed, and the State Committee of Interpreters will be appropriately notified of the interpreter's failure to renew certification.

(B) If an interpreter's certification is not renewed because of failure to obtain adequate MICS CEUs, the interpreter may apply for reinstatement by submitting a completed CEU form, proper documentation, the CEU processing fee, and the reinstatement fee.

(8) CEUs may be earned in any area or for any activity related to interpreting, with the prior approval of the BCI, including, but not limited to, the following:

- (A) Culture:
  - 1. Sociolinguistics;
  - 2. Deaf culture;
  - 3. American culture;
  - 4. Multi-culture;
  - 5. Cross-culture; and
  - 6. Contextualization;
- (B) Skills Development:
  - 1. Receptive skill development;
  - 2. Expressive skill development;
  - 3. American Sign Language (ASL) skills (grammar, syntax, etc.);
  - 4. English skills (grammar, syntax, etc.);
  - 5. Deaf/Blind interpreting;
  - 6. Oral interpreting;
  - 7. Cued Speech interpreting;
  - 8. Minimal Language Skills (MLS) interpreting; and
  - 9. Communication modes;
- (C) Trends/Issues in the Interpreting Profession:
  - 1. Current issues relating to the profession;
  - 2. Theories of interpreting; and
  - 3. Ethical Rules of Conduct;
- (D) Specialized Skills:
  - 1. Legal setting;
  - 2. Medical setting;
  - 3. Mental health setting;
  - 4. Educational setting;
  - 5. Performing arts setting;
  - 6. Rehabilitation setting;
  - 7. Governmental setting; and
  - 8. Technical setting;
- (E) Instruction:
  - 1. Mentorship;
  - 2. Independent study;
  - 3. Presenting a workshop; and
  - 4. College credit course work.

**Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION**  
**Division 100—Missouri Commission for the Deaf**  
**Chapter 200—Board for Certification of Interpreters**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Commission for the Deaf under sections 209.295(1) and (8), RSMo 2000, the commission rescinds a rule as follows:

**5 CSR 100-200.140 Name and Address Change is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 4, 2001 (26 MoReg 1670). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Commission for the Deaf received two (2) written comments concerning this rule.

COMMENT: One person wrote "I'm aware of the time and effort spent on the current Proposed Rules and would like to compliment all those who worked so diligently on them. I would like to see ALL of the Proposed Rules accepted."

RESPONSE: Thank you for your support.

COMMENT: One person wrote "First I'd like to say that in general, I strongly support the Proposed Rules published in the *Missouri Register* on September 4, 2001."

RESPONSE: Thank you for your support.

#### **Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION**

#### **Division 100—Missouri Commission for the Deaf Chapter 200—Board for Certification of Interpreters**

#### **ORDER OF RULEMAKING**

By the authority vested in the Missouri Commission for the Deaf under sections 209.295(1) and 209.295(8), RSMo 2000, the commission adopts a rule as follows:

#### **5 CSR 100-200.140 Name and Address Change is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 4, 2001 (26 MoReg 1670). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Commission for the Deaf received two (2) favorable written comments concerning this rule.

COMMENT: One person wrote "I'm aware of the time and effort spent on the current Proposed Rules and would like to compliment all those who worked so diligently on them. I would like to see ALL of the Proposed Rules accepted."

RESPONSE: Thank you for your support.

COMMENT: One person wrote "First I'd like to say that in general, I strongly support the Proposed Rules published in the *Missouri Register* on September 4, 2001."

RESPONSE: Thank you for your support.

#### **Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION**

#### **Division 100—Missouri Commission for the Deaf Chapter 200—Board for Certification of Interpreters**

#### **ORDER OF RULEMAKING**

By the authority vested in the Missouri Commission for the Deaf under sections 209.292(7), 209.295(2) and 209.311, RSMo 2000, the commission rescinds a rule as follows:

#### **5 CSR 100-200.150 Fees is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 4, 2001 (26 MoReg 1670-1671). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed

rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Commission for the Deaf received two (2) written comments concerning this rule.

COMMENT: One person wrote "I'm aware of the time and effort spent on the current Proposed Rules and would like to compliment all those who worked so diligently on them. I would like to see ALL of the Proposed Rules accepted."

RESPONSE: Thank you for your support.

COMMENT: One person wrote "First I'd like to say that in general, I strongly support the Proposed Rules published in the *Missouri Register* on September 4, 2001."

RESPONSE: Thank you for your support.

#### **Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION**

#### **Division 100—Missouri Commission for the Deaf Chapter 200—Board for Certification of Interpreters**

#### **ORDER OF RULEMAKING**

By the authority vested in the Missouri Commission for the Deaf under sections 209.292(7), 209.295(2) and 209.311, RSMo 2000, the commission adopts a rule as follows:

#### **5 CSR 100-200.150 is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 4, 2001 (26 MoReg 1671-1672). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Comments were received and the Commission is revising the proposed rule.

COMMENT: One person wrote "I'm aware of the time and effort spent on the current Proposed Rules and would like to compliment all those who worked so diligently on them. I would like to see ALL of the Proposed Rules accepted."

RESPONSE: Thank you for your support.

COMMENT: One person wrote "First I'd like to say that in general, I strongly support the Proposed Rules published in the *Missouri Register* on September 4, 2001."

RESPONSE: Thank you for your support.

EXPLANATION OF CHANGE: Given that the Commission has decided to withdraw the "Supplementary Evaluation" rule, there is no need for a "Supplementary Evaluation Fee." Thus, that fee has been eliminated from section (1).

#### **5 CSR 100-200.150 Fees**

(1) The following fees are established by the Missouri Commission for the Deaf:

(A) Application Fee	\$ 10.00
(B) Written Test Fee	\$ 25.00
(C) Performance Test Fee	\$125.00
(D) Reevaluation Fee	\$125.00
(E) Conversion Fee	\$ 50.00
(F) Reinstatement Fee	\$ 50.00
(G) Late Fee	\$ 30.00
(H) CEU Processing Fee	\$ 10.00
(I) Duplicate Certificate Fee	\$ 5.00

- (J) Renewal Fee \$ 5.00
- (K) Wall Certificate Fee \$ 10.00
- (L) Intern/Practicum Certification Fee \$ 10.00
- (M) Photocopies/Printouts Fee (per page) \$ 0.25

**Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION**

**Division 100—Missouri Commission for the Deaf  
Chapter 200—Board for Certification of Interpreters**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Commission for the Deaf under section 209.292(5) and (8), RSMo 2000, the commission rescinds a rule as follows:

**5 CSR 100-200.170 Requisite Skill Levels is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 4, 2001 (26 MoReg 1673). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Commission for the Deaf received two (2) written comments concerning this rule.

COMMENT: One person wrote "I'm aware of the time and effort spent on the current Proposed Rules and would like to compliment all those who worked so diligently on them. I would like to see ALL of the Proposed Rules accepted."

RESPONSE: Thank you for your support.

COMMENT: One person wrote "First I'd like to say that in general, I strongly support the Proposed Rules published in the *Missouri Register* on September 4, 2001."

RESPONSE: Thank you for your support.

**Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION**

**Division 100—Missouri Commission for the Deaf  
Chapter 200—Board for Certification of Interpreters**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Commission for the Deaf under sections 209.292(5) and 209.292(8), RSMo 2000, the commission adopts a rule as follows:

**5 CSR 100-200.170 is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 4, 2001 (26 MoReg 1673-1675). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Comments were received and the Commission is revising the proposed rule.

COMMENT: One person wrote "I'm aware of the time and effort spent on the current Proposed Rules and would like to compliment

all those who worked so diligently on them. I would like to see ALL of the Proposed Rules accepted."

RESPONSE: Thank you for your support.

COMMENT: One person wrote "First I'd like to say that in general, I strongly support the Proposed Rules published in the *Missouri Register* on September 4, 2001."

RESPONSE: Thank you for your support.

COMMENT: "RCED should be restricted to practicing at levels K-12. This certification should be restricted to classroom and/or extra-curricular activities associated with K-12."

RESPONSE AND EXPLANATION OF CHANGE: The Commission is persuaded that the RCED should be limited to interpreting in grades K-12, and we have made the appropriate changes in the rule. Section (9) has been changed throughout to incorporate this limitation.

EXPLANATION OF CHANGE: Subsections (4)(F), (G) and (H) have been changed to reflect the creation of the RCED (K-6), RCED (7-12), and RCED (General) certifications.

**5 CSR 100-200.170 Skill Level Standards**

(4) For the purpose of this rule, all MICS certifications obtained through performance evaluation are referred to as follows:

- (A) Comprehensive Certification = Com
- (B) Advanced Certification = Adv
- (C) Intermediate Certification = Int
- (D) Apprentice Certification = App
- (E) Novice Certification = Nov
- (F) Restricted Certification in Education (K-6) = RCED (K-6)
- (G) Restricted Certification in Education (7-12) = RCED (7-12)
- (H) Restricted Certification in Education (General) = RCED (Gen)

**(9) Education Setting**

**Appropriate Certifications**

- (A) Academic (K-6) . . . . . Com/Adv/Int/RCED (K-6)/RCED (Gen)
- (B) Academic (7-12) . . . . . Com/Adv/Int/RCED (7-12)/RCED (Gen)
- (C) Academic (Post Secondary) .Com/Adv/Int
  - 1. Colleges, Universities and Professional Schools
  - 2. Junior Colleges and Technical Institutes
  - 3. Continuing Education
  - 4. Adult Basic Education
- (D) Educational Assessment . . .Com/Adv/Int
  - 1. Psychological Testing
  - 2. Language Testing
  - 3. Developmental Testing
  - 4. Intelligence Testing
- (E) Educational Conferences . . .Com/Adv/Int
  - 1. Individualized Education Plan Conference
  - 2. Parent/Teacher Conference
  - 3. Parent/School Administrator Conference
- (F) Professional Development . .Com/Adv/Int
  - 1. Conferences
  - 2. Seminars
  - 3. Workshops
  - 4. Training
- (G) Community Education . . . .Com/Adv/Int/App
  - 1. Any programs or activities offered by schools, colleges or universities in the community that promote learning.

**Title 5—DEPARTMENT OF ELEMENTARY AND  
SECONDARY EDUCATION  
Division 100—Missouri Commission for the Deaf  
Chapter 200—Board for Certification of Interpreters**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Commission for the Deaf under section 209.295(5) and (8), RSMo 2000, the commission rescinds a rule as follows:

**5 CSR 100-200.175 Mentorship is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 4, 2001 (26 MoReg 1675). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Commission for the Deaf received three (3) written comments concerning this rule.

COMMENT: One person wrote "I'm aware of the time and effort spent on the current Proposed Rules and would like to compliment all those who worked so diligently on them. I would like to see ALL of the Proposed Rules accepted."

RESPONSE: Thank you for your support.

COMMENT: One person wrote "First I'd like to say that in general, I strongly support the Proposed Rules published in the *Missouri Register* on September 4, 2001."

RESPONSE: Thank you for your support.

COMMENT: The State Committee of Interpreters supports mentorship as a valuable tool for professional development. If mentorship is recognized as an approved activity in the certification maintenance program of the MICS as recommended in response to 5 CSR 100-200.130(1), then the State Committee of Interpreters supports the proposed rescission of 5 CSR 100-200.175.

RESPONSE: MCD agrees that mentorship should be an acceptable activity for earning CEUs, and we have added this to the language of rule 5 CSR 100-200.130.

COMMENT: Keep the rule as a rule that supports peer to peer professional development. Mentorship is common and standard within many professions.

RESPONSE: MCD agrees that mentorship should be an acceptable activity for earning CEUs, and we have added this to the language of rule 5 CSR 100-200.130. Thus, we see no reason to retain the old mentorship rule.

**Title 5—DEPARTMENT OF ELEMENTARY AND  
SECONDARY EDUCATION  
Division 100—Missouri Commission for the Deaf  
Chapter 200—Board for Certification of Interpreters**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Commission for the Deaf under section 209.295(8), RSMo 2000, the commission rescinds a rule as follows:

**5 CSR 100-200.180 Grievance Procedure is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 4, 2001 (26 MoReg 1675-1676). No changes have been made to the pro-

posed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Commission for the Deaf received two (2) written comments concerning this rule.

COMMENT: One person wrote "I'm aware of the time and effort spent on the current Proposed Rules and would like to compliment all those who worked so diligently on them. I would like to see ALL of the Proposed Rules accepted."

RESPONSE: Thank you for your support.

COMMENT: One person wrote "First I'd like to say that in general, I strongly support the Proposed Rules published in the *Missouri Register* on September 4, 2001."

RESPONSE: Thank you for your support.

**Title 5—DEPARTMENT OF ELEMENTARY AND  
SECONDARY EDUCATION  
Division 100—Missouri Commission for the Deaf  
Chapter 200—Board for Certification of Interpreters**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Commission for the Deaf under sections 209.292(13), 209.295(8), 209.314 and 209.317, RSMo 2000, the commission adopts a rule as follows:

**5 CSR 100-200.180 Grievance Procedure and Appeal Rights is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 4, 2001 (26 MoReg 1676). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Comments were received but the commission is not revising the proposed rule.

COMMENT: One person wrote "I'm aware of the time and effort spent on the current Proposed Rules and would like to compliment all those who worked so diligently on them. I would like to see ALL of the Proposed Rules accepted."

RESPONSE: Thank you for your support.

COMMENT: One person wrote "First I'd like to say that in general, I strongly support the Proposed Rules published in the *Missouri Register* on September 4, 2001."

RESPONSE: Thank you for your support.

COMMENT: "The State Committee of Interpreters believes that a list of appropriate grounds for grievance against the Missouri Interpreter Certification System should be included in this rule. This list should include, but not be limited to, complaints regarding the standardized delivery of the performance examination and the accurate and unbiased evaluation of the performance examination."

RESPONSE: Statutory law (209.314, RSMo 2000) stipulates that "The commission shall provide an opportunity to hear grievances against the evaluation process or members of the assessment team pursuant to the administrative process in chapter 621, RSMo." MCD cannot by administrative rule limit the generality of the statute by providing a list of appropriate grounds for grievance. Furthermore, trying to develop a comprehensive list of such grounds is probably impossible. We think it is best to remain

general in this rule so as to provide maximum flexibility to interpreters and not give an appearance of trying to limit the applicable statute. No changes have been made to the rule as a result of this comment.

**Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION  
Division 100—Missouri Commission for the Deaf  
Chapter 200—Board for Certification of Interpreters**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Commission for the Deaf under section 209.295(8), RSMo 2000, the commission rescinds a rule as follows:

**5 CSR 100-200.200 Enforcement is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 4, 2001 (26 MoReg 1676-1677). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Commission for the Deaf received two (2) written comments concerning this rule.

COMMENT: One person wrote "I'm aware of the time and effort spent on the current Proposed Rules and would like to compliment all those who worked so diligently on them. I would like to see ALL of the Proposed Rules accepted."

RESPONSE: Thank you for your support.

COMMENT: One person wrote "First I'd like to say that in general, I strongly support the Proposed Rules published in the *Missouri Register* on September 4, 2001."

RESPONSE: Thank you for your support.

**Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION  
Division 100—Missouri Commission for the Deaf  
Chapter 200—Board for Certification of Interpreters**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Commission for the Deaf under section 209.295(8), RSMo 2000, the commission rescinds a rule as follows:

**5 CSR 100-200.210 Reinstatement is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 4, 2001 (26 MoReg 1677). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Commission for the Deaf received two (2) written comments concerning this rule.

COMMENT: One person wrote "I'm aware of the time and effort spent on the current Proposed Rules and would like to compliment all those who worked so diligently on them. I would like to see ALL of the Proposed Rules accepted."

RESPONSE: Thank you for your support.

COMMENT: One person wrote "First I'd like to say that in general, I strongly support the Proposed Rules published in the *Missouri Register* on September 4, 2001."

RESPONSE: Thank you for your support.

**Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION  
Division 100—Missouri Commission for the Deaf  
Chapter 200—Board for Certification of Interpreters**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Commission for the Deaf under section 209.295(2) and (8), RSMo 2000, the commission adopts a rule as follows:

**5 CSR 100-200.210 Reinstatement is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 4, 2001 (26 MoReg 1677). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Commission for the Deaf received two (2) favorable written comments concerning this rule.

COMMENT: One person wrote "I'm aware of the time and effort spent on the current Proposed Rules and would like to compliment all those who worked so diligently on them. I would like to see ALL of the Proposed Rules accepted."

RESPONSE: Thank you for your support.

COMMENT: One person wrote "First I'd like to say that in general, I strongly support the Proposed Rules published in the *Missouri Register* on September 4, 2001."

RESPONSE: Thank you for your support.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 10—Air Conservation Commission  
Chapter 6—Air Quality Standards, Definitions,  
Sampling and Reference Methods and Air Pollution  
Control Regulations for the Entire State of Missouri**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Air Conservation Commission under section 643.050, RSMo 2000, the commission amends a rule as follows:

**10 CSR 10-6.280 Compliance Monitoring Usage is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 15, 2001 (26 MoReg 1570-1571). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Department of Natural Resources' Air Pollution Control Program received one (1) comment during the public comment period. The comment was in support of the changes to the rule, but requested clarification on the department's intention not to submit the rule amendment as part of Missouri's State Implementation Plan (SIP).

COMMENT: The United States Environmental Protection Agency (EPA) commented in support of the rule amendment. However, they disagreed with the SIP submittal statement that was in the preamble to the rule amendment. They felt that this rule amendment should be submitted for inclusion in the SIP because the original rule was approved into the SIP on May 16, 2001.

RESPONSE: The department's Air Pollution Control Program appreciates the support for this rule amendment and agrees with the comment about the SIP submittal. The original rule was submitted to the EPA in March of 1995 for inclusion in the SIP. It was proposed for approval in the *Federal Register* in May of 2001, around the same time this rule amendment was being developed. As the department's Air Pollution Control Program was unaware of this approval, it was printed in the *Missouri Register* that the department did not intend to submit this rule amendment to EPA for inclusion in the SIP because it only established methodology and does not establish requirements. While this statement of the rule amendment's meaning is still correct, this amendment will need to be submitted to the EPA since the original rule has been included in the SIP.

**Title 13—DEPARTMENT OF SOCIAL SERVICES  
Division 70—Division of Medical Services  
Chapter 10—Nursing Home Program**

**ORDER OF RULEMAKING**

By the authority vested in the Department of Social Services under sections 198.401, 198.403, 198.406, 198.409, 198.412, 198.416, 198.418, 198.421, 198.424, 198.427, 198.431, 198.433, 198.436, and 208.201, RSMo 2000, the director amends a rule as follows:

**13 CSR 70-10.110** Nursing Facility Reimbursement Allowance is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2001 (26 MoReg 1904-1906). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The division received one (1) letter with two (2) comments on the proposed amendment.

COMMENT: A comment was received requesting that the NFRA fee per patient occupancy day not be reduced to \$7.30 but rather leave it at the prior amount of \$7.50. It was also suggested that federal moneys generated using the assessment as state match be used to increase rates.

RESPONSE: The division has considered this request but believes the reduction in the NFRA fee to \$7.30, as filed, is appropriate. The NFRA regulation does not prescribe how nursing facility reimbursement rates are determined. The division does not have General Assembly approval to enhance rates beyond the adjustment resulting from actions required in 13 CSR 70-10.015.

COMMENT: A comment was received indicating that the division did not have regulatory authority to reduce the nursing facility reimbursement rates by \$0.20 per patient day and that it should be reinstated.

RESPONSE: The nursing facility reimbursement regulation, 13 CSR 70-10.015 Prospective Reimbursement Plan for Nursing Facility Services, provides for the NFRA to be an allowable cost immediately when the tax is adjusted. The division has always

accounted for the NFRA being an allowable cost by adjusting the nursing facility reimbursement rate by the current year's NFRA.

**Title 13—DEPARTMENT OF SOCIAL SERVICES  
Division 70—Division of Medical Services  
Chapter 15—Hospital Program**

**ORDER OF RULEMAKING**

By the authority vested in the Department of Social Services under sections 208.152, 208.153, 208.201 and 208.471, RSMo 2000, the director amends a rule as follows:

**13 CSR 70-15.010** Inpatient Hospital Services Reimbursement Plan; Outpatient Hospital Services Reimbursement Methodology is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2001 (26 MoReg 1907-1910). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 13—DEPARTMENT OF SOCIAL SERVICES  
Division 70—Division of Medical Services  
Chapter 15—Hospital Program**

**ORDER OF RULEMAKING**

By the authority vested in the Department of Social Services under sections 208.152, 208.153, 208.201 and 208.471, RSMo 2000, the director amends a rule as follows:

**13 CSR 70-15.040** Inpatient Hospital and Outpatient Hospital Settlements is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2001 (26 MoReg 1911). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 13—DEPARTMENT OF SOCIAL SERVICES  
Division 70—Division of Medical Services  
Chapter 15—Hospital Program**

**ORDER OF RULEMAKING**

By the authority vested in the Department of Social Services under sections 208.201, 208.453 and 208.455, RSMo 2000, the director amends a rule as follows:

**13 CSR 70-15.110** Federal Reimbursement Allowance (FRA) is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 2001 (26 MoReg 2014-2015). No changes have been made in the text of the proposed amendment, so it is not reprinted

here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 13—DEPARTMENT OF SOCIAL SERVICES  
Division 70—Division of Medical Services  
Chapter 50—Hospice Services Program**

**ORDER OF RULEMAKING**

By the authority vested in the director of the Division of Medical Services under sections 208.152, 208.153 and 208.201, RSMo 2000, the director hereby amends a rule as follows:

**13 CSR 70-50.010** Hospice Services Program is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 2001 (26 MoReg 1911–1913). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 15—ELECTED OFFICIALS  
Division 60—Attorney General  
Chapter 13—Rules for the Establishment of a Missouri  
No-Call Database**

**ORDER OF RULEMAKING**

By the authority vested in the Attorney General under section 407.1101, RSMo 2000, the Attorney General amends a rule as follows:

**15 CSR 60-13.060** Methods by Which a Person or Entity Desiring to Make Telephone Solicitations Will Obtain Access to the Database of Residential Subscribers' Notices of Objection to Receiving Telephone Solicitations and the Cost Assessed for Access to the Database is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 2001 (26 MoReg 2020–2023). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Attorney General received no comments on the proposed rule.

**Title 20—DEPARTMENT OF INSURANCE  
Division 200—Financial Examination  
Chapter 1—Financial Solvency and Accounting  
Standards**

**ORDER OF RULEMAKING**

By the authority vested in the director of the Department of Insurance under section 374.045, RSMo 2000, the director amends a rule as follows:

**20 CSR 200-1.160** Valuation of Life Insurance Policies is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 2001 (26 MoReg 2045). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE  
Division 200—Financial Examination  
Chapter 6—Surplus Lines**

**ORDER OF RULEMAKING**

By the authority vested in the director of the Department of Insurance under section 374.045, RSMo 2000, the director adopts a rule as follows:

**20 CSR 200-6.600** Licensing Requirements is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 15, 2001 (26 MoReg 2045–2046). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**T**his section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs and other items required to be published in the *Missouri Register* by law.

**Title 3—DEPARTMENT OF CONSERVATION  
Division 10—Conservation Commission  
Chapter 7—Wildlife Code: Hunting: Seasons,  
Methods, Limits**

**IN ADDITION**

**3 CSR 10-7.455 Turkeys: Seasons, Methods, Limits**

As a matter of public information, the following dates and bag limits shall apply on turkey hunting seasons for 2002. These are based on the formula for season dates set out in subsections (1)(A), (1)(B) and (1)(D) of this rule in the *Code of State Regulations*, and action of the Conservation Commission on December 14, 2001, to annually establish the season length and bag limit of the spring turkey hunting season.

**Spring Season:** The 2002 spring turkey hunting season will be twenty-one (21) days in length (from April 22 through May 12, 2002). A person possessing the prescribed turkey hunting permit may take two (2) male turkeys or turkeys with visible beard during the season; provided, only one (1) turkey may be taken during the first seven (7) days of the season and only one (1) turkey may be taken per day.

**Fall Firearms Season:** The 2002 fall firearms turkey hunting season will be fourteen (14) days in length (from October 14 through October 27, 2002). A person possessing the prescribed fall firearms turkey hunting permit may take two (2) turkeys of either sex during the season; provided only one (1) turkey may be taken during the first seven (7) days of the season, and only one (1) turkey may be taken per day.

**Youth Spring Season:** April 13–14, 2002.

**Title 19—DEPARTMENT OF HEALTH AND SENIOR  
SERVICES  
Division 60—Missouri Health Facilities Review  
Committee  
Chapter 50—Certificate of Need Program**

**APPLICATION REVIEW SCHEDULE**

DATE FILED:  
APPLICATION PROJECT NO. &  
NAME/COST & DESCRIPTION/  
CITY & COUNTY

The Missouri Health Facilities Review Committee has initiated review of the applications listed below. Decisions are tentatively scheduled for the February 4, 2002, Certificate of Need meeting. These applications are available for public inspection at the address shown below:

**12/12/01**  
**#3197 RS:** Capetowne Residential Care Center, Cape Girardeau (Cape Girardeau County)  
\$1,200,000, Replace 21 Residential Care Facility (RCF) II Beds

**12/20/01**  
**#3191 NP:** Crown Care Center, Harrisonville (Cass County)  
\$68,000, Long-term care (LTC) bed expansion through the purchase of 8 Skilled Nursing Facility (SNF) beds from Crawford County Manor, Cuba (Crawford County)

**12/21/01**  
**#3026 RP:** Maehill Manor, Farmington (St. Francois County)  
\$1,775,000, LTC bed expansion through the purchase of 60 RCF II beds from Midtown Residential Care, L.L.C., Kansas City (Jackson County)

**12/26/01**  
**#3195 RP:** Ozark Center, Joplin (Jasper County)  
\$803,000, LTC bed expansion through the purchase of 15 RCF II beds from DeKalb Folks Home, DeKalb (Buchanan County), and replace 15-bed RCF II

Any person wishing to request a public hearing for the purpose of commenting on any of these applications must submit a written request to this effect, which must be received by January 25, 2002. All written requests and comments should be sent to:

Chairman  
Missouri Health Facilities Review Committee  
c/o Certificate of Need Program  
915G Leslie Boulevard  
Jefferson City, MO 65101

For additional information contact  
Donna Schuessler, 573-751-6403.

**T**he Secretary of State is required by sections 347.141 and 359.481, RSMo 2000 to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript.

**NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY  
TO ALL CREDITORS OF AND CLAIMANTS AGAINST  
APOLLO SCALES, LLC**

On February 08, 2001, Apollo Scales, LLC, a Missouri limited liability company filed its Notice of Winding Up for a Limited Liability Company with the Missouri Secretary of State, and was filed by the Missouri Secretary of State on February 13, 2001.

Any claims against Apollo Scales, LLC may be sent to: Glenn R. Feilner, 5035 S. 174th Street, Omaha, NE 68135. Each claim must include the following information: the name, address and phone number of the claimant; the amount claimed; the date on which the claim arose; the basis for the claim; and documentation for the claim.

All claims against Apollo Scales, LLC will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this Notice.

**OFFICE OF ADMINISTRATION  
Division of Purchasing**

**BID OPENINGS**

Sealed Bids in one (1) copy will be received by the Division of Purchasing, Room 580, Truman Building, PO Box 809, Jefferson City, MO 65102, telephone (573) 751-2387 at 2:00 p.m. on dates specified below for various agencies throughout Missouri. Bids are available to download via our homepage: [www.moolb.state.mo.us](http://www.moolb.state.mo.us). Prospective bidders may receive specifications upon request.

B3E02125 Cash Farm Lease-Moberly Corrections Center 2/1/02;  
B3Z02111 Janitorial Services 2/8/02;  
B3Z02094 Hazardous Waste Disposal/Recycling Services 2/11/02;  
B3Z02048 Exhibit: Mobile-"Cave Caravan" Design 2/15/02.

It is the intent of the State of Missouri, Division of Purchasing to purchase the following as a single feasible source without competitive bids. If suppliers exist other than the one identified, contact (573) 751-2387 immediately.

Promega PowerPlex DNA Products, supplied by Promega Corporation of Madison, Wisconsin.

James Miluski, CPPO,  
Director of Purchasing

## Rule Changes Since Update to Code of State Regulations

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—25 (2000), 26 (2001) and 27 (2002). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable and RUC indicates a rule under consideration.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
<b>OFFICE OF ADMINISTRATION</b>					
1 CSR 10	State Officials' Salary Compensation Schedule .....				24 MoReg 2535 25 MoReg 2478 27 MoReg 189
1 CSR 50-3.010	Missouri Ethics Commission .....		26 MoReg 2219		
<b>DEPARTMENT OF AGRICULTURE</b>					
2 CSR 10-5.010	Market Development .....	26 MoReg 1305R 26 MoReg 1305			
2 CSR 10-5.015	Market Development .....	26 MoReg 2217			
2 CSR 30-2.010	Animal Health .....	26 MoReg 2257	26 MoReg 2263		
2 CSR 30-2.040	Animal Health .....	26 MoReg 2257	26 MoReg 2265		
2 CSR 30-6.020	Animal Health .....	26 MoReg 2258	26 MoReg 2267		
2 CSR 90-10.012	Weights and Measures .....		27 MoReg 7		
2 CSR 90-10.013	Weights and Measures .....		27 MoReg 9		
2 CSR 90-10.020	Weights and Measures .....		27 MoReg 9		
2 CSR 90-10.040	Weights and Measures .....		27 MoReg 11		
2 CSR 100-10.010	Weights and Measures .....		26 MoReg 1623	26 MoReg 2416	
<b>DEPARTMENT OF CONSERVATION</b>					
3 CSR 10-1.010	Conservation Commission .....		26 MoReg 1795	26 MoReg 2313	
3 CSR 10-4.111	Conservation Commission .....		This Issue		
3 CSR 10-5.550	Conservation Commission .....		26 MoReg 1891	This Issue	
3 CSR 10-5.551	Conservation Commission .....		26 MoReg 1893	This Issue	
3 CSR 10-5.559	Conservation Commission .....		26 MoReg 1895	This Issue	
3 CSR 10-5.560	Conservation Commission .....		26 MoReg 1897	This Issue	
3 CSR 10-5.565	Conservation Commission .....		26 MoReg 1899	This Issue	
3 CSR 10-6.405	Conservation Commission .....		26 MoReg 2075	This Issue	
3 CSR 10-7.455	Conservation Commission .....		N.A.	This Issue	This Issue
3 CSR 10-11.182	Conservation Commission .....		26 MoReg 1901	26 MoReg 2416	
3 CSR 10-11.200	Conservation Commission .....		26 MoReg 1901	26 MoReg 2416	
3 CSR 10-11.210	Conservation Commission .....		26 MoReg 1901	26 MoReg 2416	
3 CSR 10-11.215	Conservation Commission .....		26 MoReg 1902	26 MoReg 2417	
3 CSR 10-12.110	Conservation Commission .....		26 MoReg 1902	26 MoReg 2417	
3 CSR 10-12.135	Conservation Commission .....		26 MoReg 1902	26 MoReg 2417	
3 CSR 10-12.140	Conservation Commission .....		26 MoReg 1902	26 MoReg 2417	
3 CSR 10-12.145	Conservation Commission .....		26 MoReg 1902	26 MoReg 2417	
<b>DEPARTMENT OF ECONOMIC DEVELOPMENT</b>					
4 CSR 10-2.022	Missouri State Board of Accountancy .....	26 MoReg 2345	26 MoReg 2348		
4 CSR 10-2.041	Missouri State Board of Accountancy .....	26 MoReg 2346	26 MoReg 2352		
4 CSR 10-2.061	Missouri State Board of Accountancy .....	26 MoReg 2346	26 MoReg 2352		
4 CSR 10-2.160	Missouri State Board of Accountancy .....	26 MoReg 1501	26 MoReg 2353		
4 CSR 15-1.010	Acupuncturist Advisory Committee .....		26 MoReg 1624	27 MoReg 21	
4 CSR 15-1.020	Acupuncturist Advisory Committee .....		26 MoReg 1628	27 MoReg 21	
4 CSR 15-1.030	Acupuncturist Advisory Committee .....		26 MoReg 1631	27 MoReg 21	
4 CSR 15-2.010	Acupuncturist Advisory Committee .....		26 MoReg 1631	27 MoReg 21	
4 CSR 15-2.020	Acupuncturist Advisory Committee .....		26 MoReg 1637	27 MoReg 22	
4 CSR 15-3.010	Acupuncturist Advisory Committee .....		26 MoReg 1642	27 MoReg 22	
4 CSR 15-3.020	Acupuncturist Advisory Committee .....		26 MoReg 1647	27 MoReg 22	
4 CSR 15-4.010	Acupuncturist Advisory Committee .....		26 MoReg 1650	27 MoReg 22	
4 CSR 15-4.020	Acupuncturist Advisory Committee .....		26 MoReg 1653	27 MoReg 23	
4 CSR 30-3.020	Missouri Board for Architects, Professional Engineers and Professional Land Surveyors .....		26 MoReg 2075		
4 CSR 30-3.030	Missouri Board for Architects, Professional Engineers and Professional Land Surveyors .....		26 MoReg 2076		
4 CSR 30-3.040	Missouri Board for Architects, Professional Engineers and Professional Land Surveyors .....		26 MoReg 2077		
4 CSR 30-4.080	Missouri Board for Architects, Professional Engineers and Professional Land Surveyors .....		26 MoReg 2078R 26 MoReg 2078		
4 CSR 30-5.105	Missouri Board for Architects, Professional Engineers and Professional Land Surveyors .....		26 MoReg 2269		
4 CSR 30-5.110	Missouri Board for Architects, Professional Engineers and Professional Land Surveyors .....		26 MoReg 2269R 26 MoReg 2270		
4 CSR 30-5.120	Missouri Board for Architects, Professional Engineers and Professional Land Surveyors .....		26 MoReg 2083R 26 MoReg 2083		
4 CSR 30-5.130	Missouri Board for Architects, Professional Engineers and Professional Land Surveyors .....		26 MoReg 2083R 26 MoReg 2083		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
4 CSR 30-8.020	Missouri Board for Architects, Professional Engineers and Professional Land Surveyors		26 MoReg 1406R	26 MoReg 2417R	
			26 MoReg 1406	26 MoReg 2418	
4 CSR 30-11.010	Missouri Board for Architects, Professional Engineers and Professional Land Surveyors		26 MoReg 1409R	26 MoReg 2418R	
			26 MoReg 1409	26 MoReg 2418	
4 CSR 30-11.015	Missouri Board for Architects, Professional Engineers and Professional Land Surveyors		26 MoReg 2270		
4 CSR 30-11.020	Missouri Board for Architects, Professional Engineers and Professional Land Surveyors		26 MoReg 1410	26 MoReg 2418	
4 CSR 40-1.010	Office of Athletics		26 MoReg 2354R		
4 CSR 40-1.021	Office of Athletics		26 MoReg 2354R		
			26 MoReg 2354		
4 CSR 40-1.030	Office of Athletics		26 MoReg 2355R		
4 CSR 40-1.031	Office of Athletics		26 MoReg 2355R		
4 CSR 40-2.011	Office of Athletics		26 MoReg 2356R		
			26 MoReg 2356		
4 CSR 40-2.021	Office of Athletics		26 MoReg 2365R		
			26 MoReg 2365		
4 CSR 40-3.011	Office of Athletics		26 MoReg 2369R		
			26 MoReg 2369		
4 CSR 40-4.015	Office of Athletics		26 MoReg 2372R		
			26 MoReg 2372		
4 CSR 40-4.020	Office of Athletics		26 MoReg 2376R		
			26 MoReg 2376		
4 CSR 40-4.030	Office of Athletics		26 MoReg 2376R		
			26 MoReg 2377		
4 CSR 40-4.040	Office of Athletics		26 MoReg 2382R		
			26 MoReg 2382		
4 CSR 40-4.050	Office of Athletics		26 MoReg 2384R		
			26 MoReg 2384		
4 CSR 40-4.060	Office of Athletics		26 MoReg 2387		
4 CSR 40-4.070	Office of Athletics		26 MoReg 2387		
4 CSR 40-4.080	Office of Athletics		26 MoReg 2388R		
			26 MoReg 2388		
4 CSR 40-4.090	Office of Athletics		26 MoReg 2392		
4 CSR 40-5.010	Office of Athletics		26 MoReg 2392		
4 CSR 40-5.030	Office of Athletics		26 MoReg 2395R		
			26 MoReg 2395		
4 CSR 40-5.040	Office of Athletics		26 MoReg 2398R		
			26 MoReg 2398		
4 CSR 40-5.050	Office of Athletics		26 MoReg 2400R		
4 CSR 40-5.060	Office of Athletics		26 MoReg 2400R		
			26 MoReg 2400		
4 CSR 40-5.070	Office of Athletics		26 MoReg 2402R		
4 CSR 40-6.010	Office of Athletics		26 MoReg 2402R		
			26 MoReg 2403		
4 CSR 40-7.010	Office of Athletics		26 MoReg 2403R		
			26 MoReg 2404		
4 CSR 65-1.060	Endowed Care Cemeteries		26 MoReg 2088		
4 CSR 65-2.010	Endowed Care Cemeteries		26 MoReg 2092		
4 CSR 65-2.050	Endowed Care Cemeteries		26 MoReg 2096		
4 CSR 90-2.010	State Board of Cosmetology		27 MoReg 14		
4 CSR 90-2.020	State Board of Cosmetology		27 MoReg 14		
4 CSR 90-2.030	State Board of Cosmetology		27 MoReg 14		
4 CSR 90-4.020	State Board of Cosmetology		27 MoReg 15		
4 CSR 90-8.010	State Board of Cosmetology		27 MoReg 15		
4 CSR 90-12.080	State Board of Cosmetology		27 MoReg 15		
4 CSR 90-13.070	State Board of Cosmetology		27 MoReg 16		
4 CSR 100	Division of Credit Unions			26 MoReg 2181	
				26 MoReg 2230	
				26 MoReg 2316	
				27 MoReg 188	
4 CSR 100-2.040	Division of Credit Unions		26 MoReg 1795	27 MoReg 177	
4 CSR 100-2.085	Division of Credit Unions		27 MoReg 16		
4 CSR 100-2.160	Division of Credit Unions		26 MoReg 1796	27 MoReg 177	
4 CSR 110-2.170	Missouri Dental Board		26 MoReg 1414R	26 MoReg 2418W	
			26 MoReg 1414	26 MoReg 2419W	
			27 MoReg 100		
4 CSR 110-2.180	Missouri Dental Board		26 MoReg 1423R	26 MoReg 2419W	
			26 MoReg 1423	26 MoReg 2419W	
4 CSR 110-2.240	Missouri Dental Board		27 MoReg 104		
4 CSR 120-1.010	State Board of Embalmers and Funeral Directors		26 MoReg 2276		
4 CSR 120-2.010	State Board of Embalmers and Funeral Directors		26 MoReg 2276		
4 CSR 120-2.020	State Board of Embalmers and Funeral Directors		26 MoReg 2276		
4 CSR 120-2.030	State Board of Embalmers and Funeral Directors		26 MoReg 2277		
4 CSR 120-2.040	State Board of Embalmers and Funeral Directors		26 MoReg 2277		
4 CSR 120-2.050	State Board of Embalmers and Funeral Directors		26 MoReg 2277		
4 CSR 120-2.060	State Board of Embalmers and Funeral Directors		26 MoReg 2278		
4 CSR 120-2.070	State Board of Embalmers and Funeral Directors		26 MoReg 2279		
4 CSR 120-2.120	State Board of Embalmers and Funeral Directors		26 MoReg 2280		
4 CSR 145-1.040	Missouri Board of Geologist Registration		26 MoReg 2281		
4 CSR 150-6.010	State Board of Registration for the Healing Arts		26 MoReg 1656	26 MoReg 2419	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
4 CSR 165-1.020	Board of Examiners for Hearing Instrument Specialists		26 MoReg 1656	.....	This Issue
4 CSR 165-2.050	Board of Examiners for Hearing Instrument Specialists		26 MoReg 1656	.....	This Issue
4 CSR 165-2.060	Board of Examiners for Hearing Instrument Specialists		26 MoReg 1657	.....	This Issue
4 CSR 205-1.030	Missouri Board of Occupational Therapy		27 MoReg 18R		
4 CSR 205-3.010	Missouri Board of Occupational Therapy		27 MoReg 18		
4 CSR 205-3.020	Missouri Board of Occupational Therapy		27 MoReg 18		
4 CSR 210-2.030	State Board of Optometry		27 MoReg 105		
4 CSR 210-2.070	State Board of Optometry		27 MoReg 105		
4 CSR 220-2.010	State Board of Pharmacy		26 MoReg 1658	.....	27 MoReg 23
4 CSR 220-2.020	State Board of Pharmacy		27 MoReg 18		
4 CSR 220-2.085	State Board of Pharmacy				26 MoReg 2433
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- 2 CSR 10-5.010 Price Reporting Requirements for Livestock Purchases by Packers . . . . .February 28, 2002
- 2 CSR 10-5.010 Rules Governing Livestock Purchases by Packers . . . . .February 28, 2002
- 2 CSR 10-5.015 Public Complaint Handling and Disposition Procedure for Missouri Livestock Marketing Law . . . . .April 23, 2002

#### Animal Health

- 2 CSR 30-2.010 Health Requirements Governing the Admission of Livestock, Poultry and Exotic Animals Entering Missouri . . . . .May 10, 2002
- 2 CSR 30-2.040 Animal Health Requirements for Exhibition . . . . .May 10, 2002
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- 4 CSR 10-2.041 Eligibility Requirements for the C.P.A. Examination . . . . .May 23, 2002
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- 4 CSR 240-13.055 Cold Weather Maintenance of Service: Provision of Residential Heat-Related Utility Service During Cold Weather . . . . .March 31, 2002

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- 9 CSR 30-4.034 Personnel and Staff Development . . . . .July 11, 2002
- 9 CSR 30-4.035 Client Records of a Community Psychiatric Rehabilitation Program . . . . .July 11, 2002
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- 11 CSR 50-2.270 Glazing (Glass) . . . . .February 28, 2002
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- 12 CSR 10-41.010 Annual Adjusted Rate of Interest . . . . .June 29, 2002

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- 13 CSR 40-19.020 Low Income Home Energy Assistance Program . . . . .March 29, 2002

#### Division of Medical Services

- 13 CSR 70-10.110 Nursing Facility Reimbursement Allowance . . . . .March 6, 2002
- 13 CSR 70-10.150 Enhancement Pools . . . . .February 28, 2002

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- 13 CSR 73-2.015 Fees . . . . .June 29, 2002
- 13 CSR 73-2.070 Examination . . . . .June 29, 2002

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- 15 CSR 60-13.060 Methods by Which a Person or Entity Desiring to Make Telephone Solicitations Will Obtain Access to the Database of Residential Subscribers' Notices of Objection to Receiving Telephone Solicitations and the Cost Assessed for Access to the Database . . . . .March 29, 2002

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19 CSR 60-50.400	Letter of Intent Process . . . . .	June 29, 2002
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19 CSR 60-50.440	Criteria and Standards for Hospital and Freestanding Health Services . . . . .	June 29, 2002
19 CSR 60-50.440	Criteria and Standards for Equipment and New Hospitals . . . . .	June 29, 2002
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